

INDEX DIGEST OF THE 1955 OHIO GENERAL ASSEMBLY

AGED PARENTS—support by children.

The act requires children, who are financially able, to support their aged and destitute parents. The prior law so read as to require only children residing in this state to provide such support. [Amended House Bill No. 61, effective September 13, 1955, OHIO REV. CODE §2901.40 (amended).]

AGENCIES, STATE—appeal of rules adopted by.

This act extends the right of appeal by persons adversely affected by a rule of an agency of the state to include an appeal from an order of an agency readopting or continuing a rule previously adopted as an emergency measure. The appeal may be to the Franklin County Court of Common Pleas on the ground that the agency failed to comply with the law in adopting the rule or that it is unreasonable or unlawful. Emergency regulations may not be appealed during their effective period. [Amended Senate Bill No. 158 effective October 11, 1955, OHIO REV. CODE §119.11 (amended).]

AID FOR THE AGED AND BLIND—based on need.

The act extends payments for the medical and hospital care of recipients of aid for the aged and blind to cover surgical cost, necessary nursing and convalescent care, and medical supplies and drugs. It also removes the two hundred dollar maximum for such care by providing that payments will be made for all necessary care of this nature. [Amended Substitute House Bill No. 592, effective July 1, 1956, OHIO REV. CODE §§333.03, 333.10 and 5105.07 (amended).]

AID FOR THE AGED AND BLIND—funeral and burial expense allowed.

The act allows up to one hundred eighty dollars to defray the total funeral and burial expenses of a recipient of aid for the aged or blind. Such payment shall not be made if the recipient had sufficient insurance or cash to defray such expense or if the total cost of the funeral and burial exceeds one hundred eighty dollars. However, any person or organization may pay up to seventy-five dollars for burial space and opening and closing the grave of a recipient without such amount being considered as a part of the total funeral and burial expense. [Amended Substitute House Bill No. 68, effective October 5, 1955, OHIO REV. CODE §§333.03 and 5105.16 (amended).]

AIRCRAFT—guest statute.

The act relieves the owner or operator of an aircraft from liability for the injury or death of a passenger who is a nonpaying guest, except when injury or death results from the willful or wanton misconduct of the owner or operator. [Substitute House Bill No. 187, effective September 23, 1955, OHIO REV. CODE §4561.151 (enacted).]

AIRPORTS—zoned by political subdivisions.

When an airport is owned or controlled by a political subdivision and the hazard areas are located therein, the legislative authority of such subdivision shall constitute the airport zoning board. If the hazard area is outside such political subdivision the board of county commissioners of the county or counties where such hazard exists shall constitute the airport zoning board. Such boards shall have power to adopt, administer, and enforce airport zoning regulations. The board shall appoint a zoning commission to make recommendations. Permits may be required before structures or uses may be changed or constructed in hazard areas. An airport zoning board of appeals is provided for in each zoning area. The penalty for violation of zoning regulations is a fine of not more than one hundred dollars. [Amended Substitute House Bill No. 812, effective October 5, 1955, OHIO REV. CODE §§4563.01 to 4563.21, inclusive, and 4563.99 (enacted).]

APPRAISERS' FEES—provision providing for repealed.

The act repeals the provision relative to fees paid to court appointed appraisers of real property in execution actions and the penalty for neglect to serve as an appraiser. [Amended Substitute House Bill No. 50, effective September 13, 1955, OHIO REV. CODE §§2329.55 and 2329.56 (repealed).]

APPROPRIATION OF PROPERTY—assessment of compensation.

In determining the amount of compensation to be paid to the owner of property in an appropriation proceeding, the jury, in determining the fair market value, shall exclude from consideration any use or occupancy which is in violation of any statute or ordinance. [Amended House Bill No. 316, effective October 5, 1955, OHIO REV. CODE §719.09 (amended).]

ARBITRATION—enforceability.

The act provides that a collective or individual contract between employers and employees to arbitrate a controversy regarding terms or

conditions of employment is valid and enforceable. The prior law specifically excepted such contracts from enforcement under the arbitration laws of the state. [Amended Senate Bill No. 327, effective September 29, 1955, OHIO REV. CODE §2711.01 (amended).]

ARMISTICE DAY—changed to Veterans' day.

The eleventh day of November, formerly known as "Armistice day," shall be known as "Veterans' day." [Amended Senate Bill No. 20, effective July 15, 1955, OHIO REV. CODE §§5.21 and 1303.45 (amended).]

ARREST WITHOUT WARRANT—for violations of motor vehicle code.

See MOTOR VEHICLE CODE, this index.

ASSIGNMENT COMMISSIONER—salary.

The six thousand dollar limitation is removed from the salary of assignment commissioners and they may now receive such compensation as the court appointing them determines without limitation. [House Bill No. 458, effective October 5, 1955, OHIO REV. CODE §2335.03 (amended).]

ASSISTANT ADJUTANT GENERAL FOR AIR—provided for.

The act adds an assistant adjutant general for air to the staff of the governor. The grade of such assistant shall not be less than a colonel and his pay shall be that prescribed for like rank in the armed forces of the United States except he shall not receive flying pay. He shall perform such duties as the adjutant general assigns him and shall perform the duties of the adjutant in the absence or disability of the adjutant and assistant adjutant general. [Amended House Bill No. 920, effective September 14, 1955, OHIO REV. CODE §§141.02, 5913.02, 5913.03, 5913.05 and 1513.06 (amended).]

AUTOMOBILE CLUBS—arrest bond certificates.

When a person is arrested for violation of any motor vehicle law, except driving while intoxicated or under the influence of narcotics, leaving scene of accident, or any felony, he may post a guaranteed arrest bond certificate, issued by an automobile club or association, in lieu of cash bail in an amount not to exceed two hundred dollars. Such certificate shall be guaranteed by a domestic or foreign insurance company authorized to do business in this state as surety. The insurance company shall be

unqualifiedly obligated to pay the fine or forfeiture in an amount not to exceed two hundred dollars and must file with the superintendent of insurance an undertaking to become surety for an automobile club. [House Bill No. 163, effective September 30, 1955, OHIO REV. CODE §§3929.141 and 2937.281 (enacted).]

AXLE MILE TAX—for use of highways.

See **HIGHWAY USE TAX**, this index.

AXLE-MILE TAX—reciprocity to moving vans.

This act exempts motor vehicles owned and operated by nonresidents of this state and transporting household goods in this state from the axle-mile tax, if vehicles owned and operated by residents of Ohio are granted on exemption from a similar tax while so operating in the state of the nonresident. [Amended House Bill No. 663, effective October 13, 1955, OHIO REV. CODE §5728.13 (amended).]

BALLOTS—certification by secretary of state to board of elections.

The secretary of state need not now certify the presidential ballot for a general election until the seventieth day before such election. The presidential ballot was previously included in the general provision that the secretary of state shall certify to the board of election of each county the forms of the official ballots to be used at a general election on or before the seventy-fifth day before such general election. [Amended House Bill No. 815, effective July 21, 1955, OHIO REV. CODE §3505.01 (amended).]

BANKS—examinations.

The superintendent of banks or person appointed by him shall once each year, and more often if the superintendent deems it necessary, examine the cash, bills, collaterals, securities, books of accounts, and affairs of each bank. The law formerly provided a mandatory examination twice each year but accepted in lieu of one examination one made by a federal reserve bank or by the federal deposit insurance corporation. [Amended Senate Bill No. 15, effective June 29, 1955, OHIO REV. CODE §1111.12 (amended).]

BANKS—examination fees increased.

This act increases the fees for bank examinations to be collected by the superintendent of banks to assist in paying the maintenance and

operating cost of the division of banks. The fees are: twenty cents per thousand for the first five hundred thousand dollars of assets; ten cents per thousand for assets between five hundred thousand and one million five hundred thousand; four cents per thousand for assets in excess of one million five hundred thousand. The fees for an examination shall not be less than one hundred dollars nor more than twenty thousand dollars. [Amended Substitute House Bill No. 559, effective October 5, 1955, OHIO REV. CODE §§1111.09 and 1111.27 (amended).]

BANKS—investment of funds.

Banks may make loans on real estate of not to exceed sixty-six and two-thirds per cent of its appraised value and not longer than twenty years. The prior law limited such loans to sixty per cent for twelve years. Banks may purchase loans guaranteed by the United States government and secured by a real estate lien. [Amended House Bill No. 530, effective October 5, 1955, OHIO REV. CODE §1105.19 (amended).]

BANKS—investment of funds.

The act amends the law relative to the kinds of securities in which a bank may invest its funds to allow investments in obligations and securities of federal national mortgage associations. [Amended Senate Bill No. 275, effective September 29, 1955, OHIO REV. CODE §1105.15 (amended).]

BARBERS—regulation and registration.

Persons, who fail to pass an examination to practice barbering as an apprentice shall, upon request, be furnished a report by the board of barber examiners showing reasons for his failure. This is a new provision.

A barbering registration which has lapsed shall now be renewed without the applicant being required to take another examination. The fee for such restoration is increased from three to ten dollars. Examination and renewal fees are also increased. [Amended House Bill No. 798, effective October 6, 1955, OHIO REV. CODE §§4709.01, 4709.12, 4709.13, 4709.15, 4709.16, 4709.19, and 4709.21 (amended).]

BATHING BEACHES—protection.

Persons owning or occupying land bordering on navigable waters may erect buoys, lamps, or lanterns for protection of public or private bathing areas between the first day of April and the last day of October of each year. A penalty of fifty dollars fine or imprisonment of thirty days is imposed on persons who navigate watercraft in such areas.

[Amended House Bill No. 789, effective July 5, 1955, OHIO REV. CODE §4581.011 (enacted) and §§4581.01 and 4581.99 (amended).]

BILLS OF EXCEPTION—when filed.

See COURTS, this index.

BIRTH CERTIFICATE—issue to illegitimate child who has become legitimate.

See ILLEGITIMATE CHILD, this index.

BOARDS OF EDUCATION—may contribute funds to museums.

Boards of education may co-operate with, and contribute money and equipment to, other public officials having custody and management of parks, libraries, museums, and other facilities in providing educational, social, and recreational activities. Such co-operation and aid may be extended to nonprofit corporations operating museums available to the pupils of the school district. The prior act provided for co-operation with other public officials, but did not state the nature of such co-operation. [Amended House Bill No. 801, effective September 20, 1955, OHIO REV. CODE §3313.59 (amended).]

BOARDS OF EDUCATION—may make contributions to educational television foundations.

Boards of education may make annual contributions to educational television foundations incorporated for the purpose of serving educational needs through radio-television programing at a rate not to exceed one-half of one per cent on each one hundred dollars of the taxable property of their respective taxing districts. The local board shall supervise programs shown in class rooms. [Amended Substitute Senate Bill No. 42, effective July 7, 1955, OHIO REV. CODE §3317.16 (enacted).]

BOARDS OF EDUCATION—may insure employees against liability.

A board of education may, after adopting a resolution to that effect, procure insurance protecting officers and employees of the school district against liability for damages or injury to persons or property, including death or accident by wrongful act occasioned by the operation of a motor vehicle owned or operated by the school district. Premiums shall be paid from the general fund. [Amended Senate Bill No. 99, effective August 31, 1955, OHIO REV. CODE §3313.201 (enacted).]

BOARDS OF EDUCATION—may join associations.

This act permits a board of education, by majority vote of its members, to join a school boards' association and appropriate from its

general fund an amount sufficient to pay dues required by the association. The dues shall not be less than ten nor more than one hundred fifty dollars annually. [Amended Senate Bill No. 140, effective October 4, 1955, OHIO REV. CODE §3313.87 (enacted).]

BOND INVESTMENT AND FACE-AMOUNT CERTIFICATE COMPANIES—under supervision of chief of the division of securities.

The act defines a face-amount certificate company and excepts such companies from the definition of a bond investment company. Both face-amount certificate and bond investment companies, originally supervised by the superintendent of insurance, are now under the supervision of the chief of the division of securities. Face-amount certificate companies doing business in this state must comply with the securities law.

Bond investment and face-amount securities companies shall pay the cost of inspections from the money deposited with the chief of the division of securities for such purpose. [Amended Senate Bill No. 255, effective September 20, 1955, OHIO REV. CODE §§3949.01, 3949.02, 3949.04, 3949.05, and 3949.15 (amended).]

BONDS—for urban redevelopment not considered in debt limitations.

The act provides that voted bonds issued for the purpose of urban redevelopment to the extent they do not exceed two per cent of the total value of all real property of a municipal corporation are not to be considered in calculating such municipal corporation's debt limitation. [Senate Bill No. 248, effective September 29, 1955, OHIO REV. CODE §133.03 (amended).]

BONDS—issue for acquisition of rights-of-way and highway construction.

This act authorizes the commissioners of the sinking fund to issue and sell bonds of the state of Ohio in accordance with the provisions of section 2c of Article VIII of the constitution and section 5528.01 of the Revised Code in an aggregate principal amount not to exceed \$33,628,000 for the purpose of providing funds for the acquisition of rights-of-way and highway construction and reconstruction on major thoroughfares of the state highway system. [Amended Substitute House Bill No. 189, effective March 25, 1955.]

BONDS—issued for purchase of buildings and sites for fire protection.

The board of township trustees or fire district created by such board or the legislative authority of any municipal corporation may purchase buildings and sites for housing fire fighting equipment and issue notes of

such board, district, or municipality for the balance of the purchase price after one-fourth is paid at the time of purchase.

With the approval of the voters of a township or fire district, the township trustees may issue bonds up to fifty thousand dollars for the purpose of providing necessary fire protection equipment and materials. The former law limited the bond issue to twenty thousand dollars. [Amended Senate Bill No. 156, effective September 29, 1955, OHIO REV. CODE §§505.37 and 505.40 (amended).]

BRIDGES—agreements for maintenance.

See DIRECTOR OF HIGHWAYS, this index.

BUILDING AND LOAN ASSOCIATIONS—lending provisions.

The law relating to loans by building and loan associations was completely revised. Such associations may loan up to thirty-five thousand dollars on the security of one improved residential, combination residential and business, or cultivated farm property but not to exceed seventy-five per cent of such properties fair value or eighty per cent by approval of the stockholders. If more than one property is covered by the mortgage, a loan totaling their combined loanable amounts may be had. Loans up to sixty-six and two-thirds per cent of the fair value of other improved real property may be made but such loans shall not aggregate more than fifteen per cent of the association's assets.

The procedure which associations must observe in making real estate loans and the time limitations and rate of repayment are set forth in the act in detail. [Amended House Bill No. 203, effective August 3, 1955, OHIO REV. CODE §§1151.29, 1151.30, 1151.31 and 1151.32 (amended) and §§1151.291, 1151.292, 1151.293, 1151.294, 1151.295 and 1151.296 (enacted).]

BUILDING AND LOAN ASSOCIATIONS—may combine to form mutual guarantee associations.

See DEPOSIT GUARANTEE ASSOCIATIONS, this index.

BUILDING STANDARDS—board of appeals established.

This act increases the membership of the board of building standards from seven to nine. The board shall adopt uniform minimum building standards and encourage standardization of building practice.

A board of building appeals is established and has power to modify or reverse a decision of the board of building standards or other agencies concerned with building.

A fee of ten dollars plus seventy-five cents for each one hundred square feet of floor space shall be charged for the inspection of plans submitted to the division of workshops and factories. [Amended Substitute House Bill No. 580, effective October 5, 1955, OHIO REV. CODE §§3781.031, 3781.032, 3781.101, and 3791.07 (enacted) and §§3781.03, 3781.06, 3781.07, 3781.10, 3781.11, 3781.12 and 3791.04 (amended).]

CAPITAL IMPROVEMENTS—inspection committee created.

This act creates a twelve-member Public Improvements Inspection Committee, the members of which shall serve without compensation. The committee shall maintain a continuing program of inspection of public buildings and public areas owned by the state, make public reports of expenditures made for capital improvements, and submit a report to the General Assembly each biennium of expenditures and progress made in capital improvements during the biennium. All other administrative bodies and agencies concerned with capital improvements shall co-operate with the inspection committee.

The chairman shall have the same authority to administer oaths and issue subpoenas as is conferred upon legislative committees. He may also appoint subcommittees to make investigations. [Amended Substitute House Bill No. 206, effective October 13, 1955, OHIO REV. CODE §§103.46 to 103.52, inclusive (enacted).]

CEMETERY TRUSTEES—compensation of clerk-treasurer.

One member of the board of cemetery trustees or a person selected by such board shall be designated clerk-treasurer and shall be compensated from the cemetery fund in an amount not to exceed fifteen hundred dollars a year. The former provision required the clerk-treasurer to be a member of the board and did not provide for compensation for service in this capacity. [Amended Senate Bill No. 181, effective September 20, 1955, OHIO REV. CODE §759.36 (amended).]

CHARITIES—solicitation of funds regulated.

Organizations intending to solicit contributions for charitable purposes; except religious organizations and their agencies, educational institutions, a group when the charitable purpose is confined to its membership, persons soliciting for the relief of an individual, and those who solicit less than five hundred dollars in one year; shall file with the attorney general or the county clerk of courts its name, addresses of its officers and personnel, the names and addresses of professional fund raisers who act in its behalf, the purpose for the solicitation, and the period

during which it is to be conducted. Professional fund raisers must also register.

A report of contributions and expenditures must be filed with the attorney general or county clerk of courts each year. [Amended Substitute Senate Bill No. 287, effective September 30, 1955, OHIO REV. CODE §§1716.01 to 1716.07, inclusive, and §1716.99 (enacted).]

CHORAL GROUPS—may receive support from school districts and cities.

This act adds choral groups and educational lecture associations to the former provision allowing school districts and cities to contribute to the support of symphony associations. Such subdivisions shall not spend more than thirty thousand dollars a year for support of these associations and societies. When sponsored by school districts an association or society must by resolution allow the board of education to nominate three trustees or members of its governing board and one member of the executive committee and require feasible performances for public schools. When sponsored by a city such an association or society must by resolution allow the mayor or legislative authority to nominate three trustees or members of its governing board and require low cost performances. [Amended Senate Bill No. 223, effective September 30, 1955, OHIO REV. CODE §§757.03 to 757.08, inclusive (amended).]

CIGARETTE LICENSES—procurement of duplicates.

The act provides that persons engaged in the wholesale or retail business of trafficking in cigarettes may obtain a duplicate license from the county auditor upon payment of a fifty cent fee in the event the original is lost, destroyed, or defaced. The only change from the original law is to state from whom the duplicate may be obtained. [Amended House Bill No. 216, effective July 7, 1955, OHIO REV. CODE §5743.15 (amended).]

CIGARETTE TAX—returns filed semi-annually.

Wholesale cigarette dealers, and retail cigarette dealers licensed to affix stamps by a metering device, shall make semi-annual returns and remit semi-annually the amount of cigarette tax due the state. A penalty of one dollar a day shall be assessed for late filing. Previously the law required returns to be filed monthly. [Amended House Bill No. 388, effective September 27, 1955, OHIO REV. CODE §§5743.03 and 5743.04 (amended).]

CITIES—may contribute to support of choral groups and lecture associations.

See **CHORAL GROUPS**, this index.

CIVIL DEFENSE—voluntary workers afforded protection under workmen's compensation as state employees.

Civil defense workers shall be deemed state employees for the purpose of the workmen's compensation act and shall be compensated as such for any total disability, loss of member, or death while performing civil defense duties. The act defines "civil defense works" and "civil defense duties" in detail and requires records of participation in civil defense activities to be maintained and furnished as a condition to recovering compensation. The act is to be administered by the industrial commission and its decisions are not appealable. Costs and expenses are payable from the general fund account of the state. [Amended Substitute House Bill No. 521, effective September 29, 1955, OHIO REV. CODE §4123.03 (amended) and §§4123.031 to 4123.07, inclusive, 4123.391 and 4123.541 (enacted).]

CIVIL SERVICE—appeal from order of removal.

If the chief or a member of a police or fire department of a city is suspended, demoted, or removed, an appeal on questions of law and fact may be had from the decision of the municipal civil service commission to the court of common pleas in which the city is situated. In the case of the removal of other officers or employees from the classified service of the state or its political subdivisions the decision of the state or municipal civil service commission remains final. The prior law provided for an appeal to the common pleas court by a member of a police or fire department in case of removal only and made no mention of an appeal on questions of law and fact. [Amended Senate Bill No. 134, effective August 16, 1955, OHIO REV. CODE §143.27 (amended).]

CIVIL SERVICE—noncitizen physicians and nurses employed in unclassified service.

The civil service law was amended to include in the unclassified civil service nurses and physicians, licensed to practice in Ohio and employed in such capacity by the state or its political subdivisions, and medical assistants in mental, tuberculosis, or chronic disease hospitals, if such physicians, nurses, and medical assistants are not citizens of the United States. The composition of the classified civil service remains unchanged. [Amended Substitute Senate Bill No. 8, effective August 5, 1955, OHIO REV. CODE §143.08 (amended).]

CIVIL SERVICE—restoration to position after military service.

The statute providing that any person entering the armed services of the United States by enlistment, commission, or call by draft or from

reserve status shall be restored to a civil service office or position, if he held such office or position for ninety days immediately preceding such service and follows the prescribed procedure, now expressly applies to persons who enter on extended active duty but does not apply to re-enlistees displaying an intent to remain on active duty by re-enlisting or to commissioned officers voluntarily accepting extended active duty beyond that required on accepting a commission. The prior law was applicable only to persons entering the armed services during the emergency in existence at the time the provision was enacted. [Amended House Bill No. 475, effective May 19, 1955, OHIO REV. CODE §143.22 (amended).]

CIVIL SERVICE COMMISSIONERS—salary increased.

The annual salary of each member of the state civil service commission is increased from six thousand to nine thousand dollars. [Amended Senate Bill No. 305, effective July 11, 1955, OHIO REV. CODE §143.05 (amended).]

CODE CORRECTIONS—division of juvenile research.

“Juvenile diagnostic center” replaces “bureau of juvenile research” in several sections of the code to make their language appropriate as it relates to the department of mental hygiene and correction. [Amended Senate Bill No. 332, effective September 30, 1955, OHIO REV. CODE §§5119.091, 5119.19, 5119.20, 5119.21 and 5121.06 (amended).]

COMIC BOOKS—obscene books prohibited.

This act prohibits the distribution in any manner of a comic book, which depicts unlawful acts or provokes juvenile delinquency, to a minor under eighteen. This prohibition is likewise applicable to motion picture film which is obscene or tends to corrupt morals. Possession of these items is prohibited. A warrant will issue on complaint for search and seizure of prohibited books and motion picture film. A fine of one thousand dollars or imprisonment for six months is imposed for violation. [Amended Substitute House Bill No. 712, effective October 6, 1955, OHIO REV. CODE §§2903.10, 2903.11, 2905.341, and 2905.342 (enacted) and §2905.35 (amended).]

See comment on this act, Part 1, page -- (*supra*.)

COMMON PLEAS JUDGES—increased in certain counties.

The act increases the number of common pleas judges for Clark, Columbiana, Cuyahoga, Hamilton, Lorain, Butler, and Richland counties.

The judge in Hamilton county whose term begins January 1, 1957, shall be the juvenile judge and the judge whose term begins January 5, 1957, shall be the domestic relations judge. In Lorain county the judge whose term begins January 3, 1959, shall be the domestic relations and juvenile judge. In Richland county the judge whose term begins January 1, 1957, shall be the domestic relations and juvenile judge. In Butler county the judge whose term begins January 1, 1957, shall be the domestic relations and juvenile judge.

Section 2151.08 of the Revised Code relating to the juvenile court of Hamilton county is repealed. [Amended Substitute House Bill No. 381, effective October 11, 1955, OHIO REV. CODE §§2301.02 and 2301.03 (amended) and §2151.08 (repealed).]

COMPENSATION—township clerk and trustees.

The township clerk shall be allowed ten per cent upon all moneys collected from ministerial land and one and one-half per cent upon all moneys collected by him from school lands, and five dollars for recording action of the board and writing orders on the county auditor. The former law provided one and one-half per cent for all moneys collected, and fifty cents for recording action of the board. The maximum a clerk may receive in a county with a budget of less than five thousand dollars was changed from three hundred fifty to five hundred dollars. No clerk shall receive compensation in excess of twelve hundred dollars, except he shall receive fifty cents for preparing notices for land owners and for certifying assessments in addition to all other compensation.

The amount township trustees shall receive for meeting to distribute the ministerial trust fund was limited to five dollars, an increase of three dollars and fifty cents. [Amended House Bill No. 24, effective August 30, 1955, OHIO REV. CODE §§501.12, 501.13, 501.15, 507.09 and 515.12 (amended).]

COMPETITIVE BIDDING—public official may purchase from public utilities without competitive bidding.

This act provides that appropriate public officers of the state or its political subdivisions may acquire services or products from a public utility without the necessity of advertising and competitive bidding if the services or products are not available from other public utilities. [Amended Senate Bill No. 350, effective September 29, 1955, OHIO REV. CODE §9.30 (enacted).]

CORPORATE FRANCHISE TAX—returns filed annually with the treasurer of state.

This act provides that each profit and nonprofit corporation organized under the laws of this state and each foreign profit or nonprofit

corporation doing business in this state shall file annual tax returns with the treasurer of state on forms prescribed by the tax commissioner together with the amount of fees shown to be due by such returns. The treasurer shall transmit the returns to the tax commissioner. The former law required a report to be made to the tax commissioner. [Amended Senate Bill No. 82, effective July 7, 1955, OHIO REV. CODE §5733.02 (amended).]

CORPORATIONS—determination of share value for taxation.

The act adds reserves for accounts receivable, appreciation, and abandoned property to the assets which may be excluded in determining the book value of outstanding shares of stock of a corporation. The tax is based on the net book value. Under the prior law the corporation was allowed to show that the book value exceeded the fair value of the stock and this fair value was used as the basis for taxation. [Amended Substitute House Bill No. 324, effective October 5, 1955, OHIO REV. CODE §5733.05 (amended).]

CORPORATIONS—information filed with tax commissioner.

The act requires each corporation, domestic or foreign, to file with the tax commissioner a list of its shareholders, registered bondholders, debentureholders, noteholders, and other holders of investments in the corporation residing in this state, except where the intangible tax on such property is assessed and paid at its source by the corporation. The corporation must also file lists for its foreign affiliates.

The prior law required only a list of the shareholders residing in this state. [Amended House Bill No. 321, effective September 13, 1955, OHIO REV. CODE §5711.34 (amended).]

CORPORATIONS—revision and codification of the corporation code.

This act completely renovates the laws relating to corporations by revising, codifying, and renumbering the former statutes and enacting new provision. The laws relating to nonprofit corporations, statutory agents of foreign corporations, and derivative suits by shareholders are included in this revision. [Amended House Bill No. 70, effective October 11, 1955, OHIO REV. CODE §§1701.01 to 1701.99, inclusive, 1702.01 to 1702.58, inclusive, 1703.045, 2307.315, (enacted) §§111.16, 757.03, 757.05, 1103.13, 1103.31, 1103.37, 1103.42, 1105.23, 1109.03, 1151.11, 1151.38, 1151.45, 1151.61, 1157.23, 1157.25, 1319.05, 1703.01, 1703.04, 1703.27, 1709.01, 1709.04, 1713.02, 1719.01, 1719.02, 1729.06, 1729.07, 1729.27, 1733.01, 1733.04, 1733.05, 1733.06, 1733.07, 1733.11, 1733.14, 1733.19, 1739.01,

3735.62, 4951.12, 4953.05, 4961.07, 4967.04, 5727.51, 5727.54, 5727.56, 5733.20, and 5733.22 (amended) and §§1701.01 to 1701.99, inclusive, 1702.01 to 1702.43, inclusive, 1702.99, and section 1703.18 (repealed). See comment on this act Part 1, page 466 *supra*.

CORPORATIONS—tax returns filed in duplicate.

This act requires personal property tax returns showing income yield of productive investments in an aggregate assessable amount of five hundred dollars or more or showing taxable property of an aggregate assessable value of five thousand dollars or more and all returns listing taxable property of a corporation to be made in duplicate. One copy to be retained by the county auditor and the other for the use of the tax commissioner.

The former provision did not include all returns listing property of a corporation. [Amended House Bill No. 337, effective September 22, 1955, OHIO REV. CODE §5711.11 (amended).]

CORPORATIONS—tender of tax prevents penalty for late payment.

A corporation may apply to the tax commissioner for a review of his tax determination within thirty days after the receipt of the tax statement from the treasurer of state. If the corporation tenders an amount to the treasurer as a tax and the treasurer accepts, it shall preclude an imposition of a penalty for nonpayment pending the final determination but shall not prejudice a claim for taxes.

This provision clarifies a similar provision in the former law. [Senate Bill No. 108, effective September 29, 1955, OHIO REV. CODE §5733.11 (amended).]

CORRECTION OF ERRORS—corrects conflicting errors and removes obsolete sections.

This act is designed to correct conflicting errors and remove obsolete sections of the Revised Code. Reference to the superintendent of public instruction is removed as the state board of education now performs his functions. Other changes are made but the sections amended are not substantially changed.

The sections relating to a school survey committee are repealed because of obsolescence. Sections 143.03, 1713.02, 3781.03, and 4511.01 of the Revised Code as enacted by the 101st General Assembly were repealed. All such sections, except 4511.01, are correctly enacted by this act. [House Bill No. 936, effective October 17, 1955, OHIO REV. CODE §§143.03, 731.46, 1713.02, 2151.39, 3781.03, and 5103.10 (amended) and §§103.41, 103.42, 103.43, 151.21, 151.22, and 151.23 (repealed).]

CORRECTIONS TO REVISED CODE—errors resulting from revision of the General Code.

See OMNIBUS BILL, this index.

COSMETOLOGIST—applications and fees for license.

The act removes the requirement that applicants for a managing cosmetologist's license must have practiced cosmetology for six months. It extends reciprocity to other countries as well as other states and territories of the United States. The fee for a managing cosmetologist license is increased from three to five dollars with a three dollar renewal fee. [Amended House Bill No. 425, effective October 5, 1955, OHIO REV. CODE §§4713.02, 4713.04, 4713.09, and 4713.11 (amended).]

COUNTY COMMISSIONERS—may assign numbers to buildings.

The board of county commissioners may designate street names and assign numbers to buildings in unincorporated areas and the owners shall comply therewith. [Substitute Senate Bill No. 277, effective September 29, 1955, OHIO REV. CODE §303.021 (enacted).]

COUNTY COMMISSIONERS—may construct and lease hospital facilities.

The board of county commissioners, upon application by a charitable hospital corporation, may determine that additional hospital facilities are needed and appoint a county hospital commission of three or more members. The commission shall consult with the hospital corporations participating in the application to determine their needs. The commission may accept conveyances of land and the county commissioners may submit a bond issue for construction of facilities thereon. The commissioners may lease such facilities to a hospital corporation or sell at the cost to the county less depreciation. If the hospital is not operated in accordance with the terms of the agreement the lease may be terminated. [Amended Senate Bill No. 152, effective September 16, 1955, OHIO REV. CODE §339.14 (enacted).]

COUNTY COMMISSIONERS—may contribute to support of mental health clinics.

See MENTAL CLINICS, this index.

COUNTY COMMISSIONERS—may grant permission to construct water lines.

See WATER AND SEWER LINES, this index.

COUNTY COMMISSIONERS—may provide for lighting of highway intersections, etc.

The board of county commissioners may provide for lighting of bridges over streams, highway intersections, highway or railroad grade separations or interchange areas erected by it; the cost to be paid from funds for highway construction and maintenance funds. The former law provided only for the lighting of certain bridges to be paid from the county bridge fund. [Amended House Bill No. 878, effective August 18, 1955, OHIO REV. CODE §5591.35 (amended).]

COUNTY COMMISSIONERS—required to furnish aid to disabled persons.

See DISABLED PERSONS, this index.

COUNTY EMPLOYEES—paid holidays.

County employees working on a per diem or hourly basis shall receive, in addition to their vacation leave, eight hours of holiday pay for each of six holidays. [Amended House Bill No. 27, effective September 23, 1955, OHIO REV. CODE §325.19 (amended).]

COUNTY HOSPITALS—deposit of funds must be secured.

This act provides that funds deposited by the board of county hospital trustees and those deposited by the board of trustees of a district tuberculosis hospital must be secured. The bank or trust company in which such funds are deposited must furnish security for the deposits in the same manner and extent as furnished for the deposit of other public funds. [Amended Senate Bill No. 97, effective September 22, 1955, OHIO REV. CODE §§339.06 and 339.26 (amended).]

COUNTY RECORDERS—law requiring county recorders to report transfers in contemplation of death repealed.

See INHERITANCE TAX, this index.

COURT CONSTABLES—compensation increased.

The compensation of court constables as fixed by the judge making the appointment may now be five thousand four hundred dollars in counties with four judges, three thousand three hundred in counties with two or three judges, and twenty-five hundred in counties with one judge. The former compensation was four thousand, twenty-five hundred, and two thousand, respectively. [Amended House Bill No. 555, effective October 5, 1955, OHIO REV. CODE §2701.08 (amended).]

COURT OF APPEALS—jurisdiction and procedure.

The court of appeals may review, affirm, modify, set aside, or reverse judgments or orders of inferior courts of record in its district upon an appeal on questions of law.

The act sets forth ten classes of actions which may be appealed on questions of law and fact and specifically provides that all other cases may be appealed only on questions of law.

Errors must be specifically pointed out in the record in appeals on questions of law. In appeals on questions of law and fact the court shall review such part of the trial record as any party may present and hear such additional evidence as it deems in the interest of justice. [Amended Senate Bill No. 71, effective October 4, 1955, OHIO REV. CODE §§2501.02, 2505.08, 2605.21 and 2505.36 (amended).]

COURT OF APPEALS—new district created.

The act provides that there shall be ten judicial courts of appeals districts and establishes a tenth district consisting of Franklin county. Franklin county was formerly a part of the second district. [Substitute House Bill No. 43, effective September 14, 1955, OHIO REV. CODE §2501.01 (amended) and §2501.011 (enacted).]

COURT REPORTERS—salary and fees increased.

This act increases the salary of shorthand court reporters to allow compensation of six thousand dollars a year in counties having two or more judges and forty-eight hundred dollars in other counties, except where the appointment is for less than a year the compensation may be eighteen dollars per day plus expenses. The maximum compensation was previously forty-eight hundred, thirty-six hundred, and fifteen dollars, respectively.

The fee for transcripts and copies is increased from fifteen to twenty-five cents per one hundred words. [Amended Senate Bill No. 37, effective October 11, 1955, OHIO REV. CODE §§2301.22 and 2301.24 (amended).]

COURTS—assignment of judges to probate court.

See JUDGES, this index.

COURTS—bills of exception.

When a party wishes to appeal from an error in a ruling of the common pleas court and such error does not appear in the record or the journal entry, he shall reduce his objections to writing as a bill of ex-

ceptions and file them not later than forty days after perfecting his appeal. The previous time limitation was forty days after the overruling of a motion for a new trial, or the final decision of the court if a motion for a new trial was not filed. [Amended Senate Bill No. 61, effective October 4, 1955, OHIO REV. CODE §2321.05 (amended).]

COURTS—conclusions of law and fact.

When questions of fact are tried to the court a party may request a separate finding of law and fact before the journal entry of the final order or decree has been approved; otherwise the finding shall be general. The separate finding shall be in writing in the court of common pleas and stated on the record in the court of appeals.

The prior provisions allowed a separate finding only if a party wished to except to a decision of law by the court of common pleas, or an objection to a decision of law or a motion for a new trial in the court of appeals. [Amended Senate Bill No. 28, effective September 30, 1955, OHIO REV. CODE §§2315.22 and 2505.30 (amended).]

COURTS—fees for publication of calendar.

In counties in which a daily law journal is printed the judges of the courts of record, other than the court of appeals, shall designate such journal as the journal in which shall be published all calendars of the courts.

The judges shall fix fees for publications not fixed by law. The fee for each case shall not exceed one dollar and fifty cents and one dollar and thirty-five cents for the publication of abstracts of legal advertising. Such fees shall be taxed as cost.

The old law fixed both fees at one dollar. [Amended Senate Bill No. 121, effective October 4, 1955, OHIO REV. CODE §2701.09 (amended).]

COURTS—not required to file list of fiduciaries with tax commissioner.

This act repeals the provision requiring the clerks of common pleas, municipal, and probate courts to file a list of fiduciaries in control of any estate in their respective courts with the tax commissioner. [House Bill No. 257, effective July 21, 1955, OHIO REV. CODE §5711.33 (repealed).]

COURTS—printing and binding of decisions.

No contract shall be let for the printing and binding of decisions of the supreme court and courts of appeals at a cost of more than four

dollars fifty cents per volume for the three hundred fifty copies delivered to the clerk of the supreme court. The previous maximum price was three dollars fifty cents. [Amended House Bill No. 654, effective October 6, 1955, OHIO REV. CODE §2503.24 (amended).]

CRIMES—minimum sentences provided for certain crimes.

The act provides a minimum sentence for various crimes for which a maximum sentence was previously provided but for which a minimum sentence was not prescribed. [Amended House Bill No. 78, effective October 6, 1955, OHIO REV. CODE §§731.99, 1115.99, 1323.99, 1707.99, 2901.03, 2901.37, 2905.09, 2905.34, 2909.12, 2911.03, 2911.05, 2911.06, 2911.08, 2911.21, 2913.10, 2913.13, 2921.14, 2923.08, 2923.13, 2923.14, 2923.21, 2923.30, 3599.01, 3599.27, 3599.39, 3999.99, 4123.99, 4505.99, 4903.99, 4905.99, 4907.99, 4909.99, 4965.99, 4999.09, 5703.99, 6101.99, and 6115.99 (amended).]

CRIMINAL ASSAULT—penalty increased for child assault.

The fine for assaulting a child under sixteen and willfully taking liberties with the child without committing or intending to commit rape, or indecent exposure in the presence of a child is now from five hundred to five thousand dollars. The imprisonment remains the same. The previous fine was from one hundred to one thousand dollars. [Amended Senate Bill No. 174, effective September 29, 1955, OHIO REV. CODE §2903.01 (amended).]

CRIPPLED CHILDREN—care and treatment.

Upon application to the division of social administration by a parent, guardian, or some interested person, the division may accept a crippled child for care and treatment. If the parent or guardian is unable to pay for the treatment, the cost of the treatment shall be paid by the county in which the child has a legal settlement.

If a parent or a guardian fails to provide treatment for a crippled child and the division finds it in need of treatment, the division or an interested person shall apply to the juvenile court and the child shall be received by the division on order of the court. The court may require such parent to pay the cost of treatment.

The prior law required application to the juvenile court before any child could be accepted for treatment by the division. [Amended House Bill No. 316, effective, September 22, 1955, OHIO REV. CODE §§5103.08, 5103.12, and 5103.13 (amended).]

DEPARTMENT OF HEALTH—inventory and survey of need and control over construction of medical facilities.

The act defines “medical facilities” as diagnostic centers, rehabilitation facilities, and nursing homes as these terms are defined by federal law and gives the department of health the same jurisdiction over determining the need for such facilities and developing plans for their construction as it had over hospitals under the prior law. [Amended House Bill No. 350, effective September 14, 1955, OHIO REV. CODE §§3701.01, 3701.08, 3701.09, 3701.37, 3701.39, 3701.40, 3701.42, and 3701.45 (amended).]

DEPARTMENT OF HEALTH—to operate the Southeast Ohio tuberculosis hospital.

The act designates the tuberculosis hospital in Ward township, Hocking county as the “Southeast Ohio tuberculosis hospital” and provides that it shall be operated by the department of health. This is the second tuberculosis hospital operated by the department of health, the other being the Ohio tuberculosis hospital at Ohio State University. The Southeast hospital is authorized to establish an out patient department for diagnostic and other services. [Amended House Bill No. 225, effective September 20, 1955, OHIO REV. CODE §§3701.80 to 3701.84, inclusive (enacted).]

DEPARTMENT OF INDUSTRIAL RELATIONS—to inspect upholstered furniture.

See FURNITURE, this index.

DEPARTMENT OF PUBLIC WORKS—may make regulation pertaining to recreational areas.

The department of public works is authorized to make and enforce regulations pertaining to bodies of water and land adjacent thereto under its control and used for public recreational purposes. Persons violating any such regulation shall be fined from ten to one hundred dollars. [Amended Substitute House Bill No. 888, effective October 6, 1955, OHIO REV. CODE §§123.76 and 123.99 (enacted).]

DEPENDENT CHILDREN—county may recover aid paid by mistake or fraud.

The county may recover aid paid for the support and care of a child through mistake, fraud, or misrepresentation. Such aid may be recovered from any person legally responsible for the child's care and support.

The act also provides that each county shall be entitled to receive from the state twenty-five per cent of the amount its expenditures for aid for dependent children exceeds the amount of federal reimbursement to which the county is entitled. [Amended House Bill No. 342, effective October 5, 1955, OHIO REV. CODE §§5107.04 and 5107.07 (amended).]

DEPOSIT GUARANTEE ASSOCIATIONS—may be formed by building and loan associations.

Twenty-five or more building and loan associations may become incorporated as a mutual deposit guaranty association without capital stock. Such an association may assure the liquidity of member associations, guarantee deposits in member associations, buy the assets of a member, and invest funds in designated bonds and securities. A deposit guarantee association shall file, with the superintendent of building and loan associations, a report twice each year showing its financial condition. The superintendent shall make yearly examinations of each deposit guarantee association. [Amended Senate Bill No. 144, effective October 11, 1955, OHIO REV. CODE §§1151.80 to 1151.92, inclusive (enacted) and §§ 1151.34, 1151.41, and 1155.02 (amended).]

DEPOSIT OF PUBLIC FUNDS—must be secured.

The director of a county department of welfare is included among those public officials who shall not deposit public funds in a bank or trust company beyond the amount secured by federal deposit insurance unless such bank or trust company hypothecates securities or executes an undertaking payable to the depositor as security for such excess. [Amended House Bill No. 562, effective August 30, 1955, OHIO REV. CODE §131.11 (amended).]

DIRECTOR OF HIGHWAYS—acquisition of land affecting railroads.

Where the department of highways is obligated to acquire land in connection with improvements affecting railroads under grade separation statutes or agreements with railroads for the readjustment of railroad facilities, the director may at his discretion take the land in fee simple and convey it in fee simple to the railroad. This provision is an exception to the old law which required the director to purchase land only for the time necessary and desirable when the purchase was for temporary purposes. [Amended House Bill No. 480, effective October 5, 1955, OHIO REV. CODE §5501.11 (amended).]

DIRECTOR OF HIGHWAYS—advance approval of projects.

The director of highways may approve preliminary plans for high-

way projects submitted by a municipal corporation. After such approval the municipality may expend funds for engineering and rights of way and be reimbursed for the state's share of such expenditures in the nature of credit against the portion of the cost of the project to be borne by the municipality. [Amended Senate Bill No. 217, effective October 4, 1955, OHIO REV. CODE §5521.12 (enacted).]

DIRECTOR OF HIGHWAYS—may acquire land for roadside parks.

See **ROADSIDE PARKS**, this index.

DIRECTOR OF HIGHWAYS—may employ consulting engineers for additional purposes.

The director of highways may employ consulting engineers to lay out, inspect, and generally supervise the construction of a project. Formerly the use of such engineers was restricted to preparation of detailed plans and estimates and preliminary engineering investigations and reports. [Amended Senate Bill No. 251, effective October 4, 1955, OHIO REV. CODE §5501.10 (amended).]

DIRECTOR OF HIGHWAYS—may enter agreements for toll free bridges at boundaries.

This act authorizes the director of highways to enter agreements with other states or their political subdivisions or the United States for the maintenance and repair of toll free bridges over streams forming a boundary of this state. The state may pay up to fifty per cent of the cost of maintenance, but no agreement shall obligate the state for more than one hundred thousand dollars a year. No agreement shall become effective until Kentucky has let contracts for construction of a toll-free bridge between Kentucky and Ohio. [Amended House Bill No. 430, effective October 5, 1955, OHIO REV. CODE §5501.161 (enacted).]

DIRECTOR OF HIGHWAYS—may increase items specified in contract.

The director of highways may direct a contractor to increase the quantities of an item used in a project to the extent of twenty per cent with a cost up to five thousand dollars. If the cost is less than one thousand dollars, the twenty per cent limitation will not apply. For increases above such amounts the director must award a new contract by advertising for bids. Formerly the cost for increase was limited to two thousand dollars. [Amended Senate Bill No. 250, effective September 30, OHIO REV. CODE §5525.14 (amended).]

DIRECTOR OF HIGHWAYS—may purchase land in fee simple.

The director of highways is authorized to purchase all or any part of a tract of land in fee simple, if acquisition of part will result in substantial damage to the residue by severance, controlled access, or isolation. Such land may be sold at public auction for two-thirds of its appraised value. [Amended Substitute House Bill No. 481, effective October 5, 1955, OHIO REV. CODE §5501.011 (enacted).]

DIRECTOR OF HIGHWAYS—may remove structures from appropriated lands.

The director of highways is vested with the authority to remove structures from appropriated lands within sixty days after notice is given to the owners. If the jury has not fixed the value of the structures, the director shall cause an appraisal to be made with pictures of the structures. The value fixed by the appraisers shall be deposited with the court and the appraisal may be used as evidence of value but is not binding on the owner. The owner may withdraw the amount deposited for the structure and have it deducted from the final verdict. The prior law did not set forth a procedure for removing structures, although it allowed them to be removed. [Amended House Bill No. 482, effective October 5, 1955,

OHIO REV. CODE §§5519.01 and 5519.03 (amended).]

See comment on this act, Part 1, page 463 *supra*.

DIRECTOR OF PUBLIC WELFARE—may make co-operative agreements with counties.

This act authorizes the director of public welfare to enter into agreements with county boards of commissioners to create a single administrative unit within the county for administration of aid for the aged, blind, dependent children, permanently and totally disabled, and for the administration of poor relief. [Amended House Bill No. 915, effective October 6, 1955, OHIO REV. CODE §5101.02 (amended).]

DISABLED PERSONS—county to aid needy.

The county commissioners shall furnish aid to persons who are permanently and totally disabled and are not otherwise cared for and who have resided in the state for one year. The amount of such aid shall be sufficient to provide subsistence compatible with health and well-being but shall not be greater than the amount established as the basis for federal reimbursement. The state department of welfare shall supervise aid to the disabled and its rules shall be binding upon the counties. It may administer

the aid in counties which do not comply with the provisions of the act or the departments rules. The state shall pay one-half the difference between the total aid granted and the amount of federal grants to the county.

A penalty of a fine of five hundred dollars or imprisonment for six months, or both is provided for persons securing aid through fraud or misrepresentation. [Amended House Bill No. 135, effective October 4, 1955, OHIO REV. CODE §§5106.01 to 5106.10, inclusive, and 5106.99 (enacted).]

DIVISION OF CAPITAL PLANNING—created in the department of finance.

The act establishes a division of capital planning and improvement in the department of finance. The division of capital planning shall inspect all structures and land owned by the state and its agencies and maintain continuously a capital plan consisting of recommendations as to acquisition of land, construction of buildings, and other improvements. The plan shall be extended through a period of six years in the future.

A capital planning and improvement board is created to review the recommendations of the division and approve its plan or a modification and recommend it to the general assembly.

All contracts for purchase of land or construction involving more than three thousand dollars must be approved by the chief of the division of capital planning. [Amended Substitute House Bill No. 490, effective October 5, 1955, OHIO REV. CODE §§121.04 and 153.04 (amended) and §§125.81, 125.82, and 127.21 to 127.26, inclusive (enacted).]

DIVISION OF SHORE EROSION—may grant permits to remove submerged resources from Lake Erie.

This act permits the chief of the division of shore erosion, with the approval of the director of natural resources, the natural resource commission, the attorney general, and the governor, to grant permits and leases, on a royalty or rental basis, to persons for the removal of sand, gravel, stone, gas, oil, and other minerals from the bed of Lake Erie. The lease shall be for a term of years or until the extraction of the mineral covered thereby is completed.

Under the prior law the chief of shore erosion could grant permits without the approval of the above enumerated parties. Gas and oil were not specifically included in the list of minerals to be removed and no provision was made for leases. [Amended Substitute House Bill No. 358, effective October 5, 1955, OHIO REV. CODE §1507.03 (amended).]

DIVISION OF WATER—inventory and analysis of water supplies.

The act authorizes the division of water to conduct inventories of

the water and other natural resources in each drainage basin in the state, and it further authorizes the division to develop a plan of water management taking into consideration the variety of uses of water and the need for its retention and control. The division may accept and expend monies contributed by persons, conservancy districts, or political subdivisions for the development of such plan. [Amended House Bill No. 166, effective August 1, 1955, OHIO REV. CODE §1521.04 (amended).]

DIVISION OF WILDLIFE—to pay fees on land to county treasury.

The division of wildlife of the department of natural resources shall pay to the treasurers of counties, wherein lands owned by the state and administered by the division are located, one per cent of the taxable value of the land as shown on the auditors records at the time the state acquired it. The payments shall be made from funds derived from hunting and fishing license fees and federal wildlife restoration funds.

The division may also contract with private persons for the creation or improvement of wildlife habitats on land administered by it. [Amended House Bill No. 371, effective September 14, 1955, OHIO REV. CODE §§1531.27 and 1531.28 (enacted) and §§1533.15 and 1533.33 (amended).]

DIVORCE—custody and support pendente lite.

The court may make an order for the custody and support of minor children during the pendency of a divorce or alimony action. A party whose rights are irreparably and substantially affected may request a rehearing at which time the court shall make a final order with respect to such matters. The prior law did not specifically provide for custody of minor children during pendency nor did it provide for rehearing and final order relating to support and custody. [Amended House Bill No. 123, effective October 5, 1955, OHIO REV. CODE §3105.14 (amended).]

DOG AND KENNEL FUND—claims against.

Domestic rabbits are added to the list of domestic animals for which the owner may make claims against the dog and kennel fund of the county, if such animals are injured or killed by a dog not belonging to the owner and have a value of ten dollars or more. The act further provides that the affidavit of loss must state that the claimant was not the owner of an unlicensed dog at the time of the loss. Persons who own an unlicensed dog at the time of loss are not permitted to recover. [Amended House Bill No. 632, effective October 6, 1955, OHIO REV. CODE §966.29 (amended).]

DOG LICENSES—free registration for leader dogs.

The owner of a guide or leader dog shall be exempt from registration fees for such dog upon proof that it has been trained to lead blind persons and is being used for such purpose. The registration shall be permanent so long as the dog so serves. [Amended Senate Bill No. 47, effective July 15, 1955, OHIO REV. CODE §955.011 (enacted).]

EDUCATIONAL TELEVISION FOUNDATION—boards of education may make contributions to.

See **BOARDS OF EDUCATION**, this index.

EDUCATION, STATE BOARD—created.

This act creates a state board of education consisting of twenty-three members, one member to be elected from each congressional district. The state board shall exercise policy forming and planning functions, advise school districts as to improvement of public education, supervise allocation of federal and state funds, prescribe minimum standards for teachers and curriculum, require reports from school districts, and submit budgetary request for the public schools. In addition, it shall appoint the superintendent of public instruction who shall be its administrative and executive officer. References to the superintendent of public instruction in numerous sections have been supplanted by references to the state board of education. [Amended House Bill No. 212; §§3501.02, 3505.03, 3505.04, 3505.33, 3301.011, 3301.021, 3301.031, and 3315.259, effective July 12, 1955; §§3301.16, 3301.17, and 3313.811, effective October 11, 1955; effective remainder January 3, 1956; OHIO REV. CODE §§121.02, 121.03, 121.04, 141.03, 149.01, 1713.02, 1713.03, 1713.04, 1714.06, 3301.04 to 3301.08, inclusive, 3303.04, 3303.06, 3303.21, 3311.23, 3311.24, 3313.56, 3313.57, 3313.61, 3313.71, 3313.81, 3315.33 to 3315.35, inclusive, 3319.15, 3319.22 to 3319.28, inclusive, 3319.31, 3319.33 to 3319.36 inclusive, 3321.03 to 3321.05, inclusive, 3321.07, 3321.09, 3321.12, 3321.18, 3321.24, 3321.30, 3321.31, 3321.33, 3321.35, 3321.38, 3323.01, 3323.02, 3323.04 to 3323.15, inclusive, 3325.01, 3325.02, 3325.05 to 3325.07, inclusive, 3329.02, 3329.03, 3331.01, 3331.05, 3375.01, 3501.02, 3505.03, 3505.04, and 3505.33 (amended); and §§3301.011, 3301.021, 3301.031, 3301.09 to 3301.17, inclusive, 3313.811, 3325.011, and 3513.259 (enacted); sections 3301.01, 3301.02, 3301.03, 3303.01, 3311.35, 3315.01 and 3319.20 (repealed).]

ELECTED OFFICIALS—salary increased.

This act increases the salary of the members of the senate; elected state officials; judges of the supreme, appeals, common pleas, and probate

courts; county auditors, treasurers, recorders, commissioners, engineers, coroners, sheriffs; clerks of common pleas courts; and prosecuting attorneys. Pay ranges are established with from twenty-seven to thirty classes based on population on which the compensation of elected county officials is based. The former law providing for a commission, composed of the state auditor, secretary of state, and attorney general, to determine the fees of county officials is repealed. [Amended Substitute Senate Bill No. 219, effective October 11, 1955, OHIO REV. CODE §§101.27, 141.01, 141.04, 141.05, 325.01, and 325.02 (amended) §§325.03, 325.04, 325.05, 325.06, 325.08, 325.09, 325.10, 325.11, 325.14, and 325.15 (reenacted) and §§325.33, 325.34, and 325.35 (repealed).]

ELECTIONS—omnibus act.

This omnibus act corrects technical errors and inconsistencies in the election laws to provide for more efficient election administration. It prohibits candidates who fail to file campaign expense accounts from running for public office for a period of five years. The names of presidential electors are removed from the ballot. Elections for short unexpired terms for county offices are eliminated and appointment is substituted. The salary schedule for members of the board of elections is revised. [Amended Senate Bill No. 220, effective January 1, 1956, OHIO REV. CODE §§3.02, 305.02, 309.04, 311.03, 313.04, 315.04, 317.06, 319.04, 321.02, 731.28, 731.29, 2303.04, 3501.12, 3501.17, 3501.29, 3503.06, 3503.11, 3505.05, 3505.071, 3505.08, 3505.10, 3505.23, 3507.07, 3509.03, 3513.02, 3513.04, 3513.191, 3513.256, 3513.257, 3513.261, 3513.30, 3513.31, 3515.07, 3517.10, 3517.11, and 3517.12 (amended).]

EMPLOYEES—may receive leave of absence for temporary military training.

Members of a reserve corps of the United States armed forces shall be entitled to a leave of absence of not to exceed fifteen days each year to fulfill their military training obligations. Such leave shall not affect a person's vacation leave or other normal benefits. Sixty days notice must be given. The employee may enforce his rights under the act by suit for damages or equitable relief. [Amended Senate Bill No. 302, effective September 30, 1955, OHIO REV. CODE §5903.061 (enacted).]

EMPLOYMENT—females and minors.

Females may be employed as taxi drivers between the hours of six a.m. and nine p.m., in delivery service on motor vehicles of less than one ton capacity and as operators of an automatic freight elevator with automatic controlled doors. They may not be employed more than forty-

eight hours a week nor more than nine hours a day, but may do office work ten hours within twelve and in mercantile establishments ten hours the day before specified holidays.

Children under eighteen shall not be employed as firemen, engineers, motormen, or conductors upon railroads or boats; as operators of power driven machinery except as apprentices; in mining, quarrying or logging or around a race track. Girls under eighteen shall not be employed to do house to house selling or canvassing except for educational, religious, charitable, or patriotic organizations. These are but part of the changes made by the act. [Amended Substitute Senate Bill No. 208, effective September 30, 1955, OHIO REV. CODE §§4107.43, 4107.46, 4109.12, and 4109.22 (amended).]

ENGINEERS AND SURVEYORS—fees for renewal of licenses.

When the fund to the credit of the state board of registration for professional engineers and surveyors known as the "professional engineers' fund" is in excess of one hundred thousand dollars at the end of any fiscal biennium, the board shall renew the license of any engineer or surveyor for the next calendar year without payment of the renewal fee. The renewal fee is fixed at three dollars a year for an engineer's or surveyor's license and four dollars for both.

Elective officers engaged in engineering and surveying as a part of their duties are no longer exempt from registration.

The prior law provided that any monies in the engineers' fund in excess of sixty-thousand dollars could be used toward reduction of future renewal fees. Licenses could be renewed for two years and only a maximum fee therefor was fixed. [Amended House Bill No. 53, effective September 21, 1955, OHIO REV. CODE §§4733.08, 4633.15 and 4733.18 (amended).]

EXAMINATIONS—subject matter of occupational and professional exams.

See, OCCUPATIONAL AND PROFESSIONAL EXAMINATIONS, this index.

OCCUPATIONAL AND PROFESSIONAL EXAMINATIONS—subject matter.

The act amends the statutes setting forth the requirements for entrance into the occupation or profession of architecture, barbering, dentistry, dental hygiene, embalming or funeral directing, midwifery, real estate salesmen, and medicine and related fields to provide that the examinations for a license for practice in the various fields shall be related only to the fields of endeavor for which the license is being sought. [Amended House Bill No. 20, effective October 5, 1955, OHIO REV. CODE §§4703.07, 4709.11, 4713.06, 4715.11, 4715.21, 4717.07, 4731.13, 4731.30 and 4735.09 (amended).]

EXPLOSIVES—regulation of possession and sales.

This act requires a person who stores or sells explosives to keep a record for one year of the quantity of explosives on hand, purchased, used, and the name, address, and purpose of each purchaser. The penalty for violation is a fine of from five to twenty-five dollars.

Contractors using explosives shall store them in a magazine under lock or be penalized by a fine of from one hundred to one thousand dollars. [Amended Substitute Senate Bill No. 50, effective October 4, 1955, OHIO REV. CODE §§3743.49 and 3743.50 (enacted) and §3743.99 (amended).]

FEDERAL TAX LIENS—recording with county recorder.

Internal revenue liens or other liens in favor of the United States and certificates discharging or releasing such liens may be filed in the office of the county recorder by mail or otherwise. The recorder shall endorse the date of filing on a duplicate and return it to the district director of internal revenue by mail or by other means. The recorder shall receive no fee for filing a lien but he shall collect one dollar at the time of filing a discharge or release. Previously a fee of fifty cents was allowed for filing a lien, release, or discharge. [Amended House Bill No. 452, effective September 20, 1955, OHIO REV. CODE §§317.09 and 317.32 (amended).]

FEES—charged by the probate judge increased.

See PROBATE COURT FEES, this index.

FIRE DEPARTMENT—promotion of members.

The act sets forth the method for filling vacancies above the rank of regular fireman in fire departments in more detail than did the prior law. No such vacancy shall be filled except by the person receiving the highest score on a competitive examination given to the next lower rank. Credit for seniority shall be added to the score of the persons passing the competitive examination and if service has been interrupted by service in the armed services of the United States seniority credit shall be given for time so served. At least twelve months service is required for eligibility for promotional examinations. Promotions are on a probationary period of not to exceed six months, but an appeal may had to the municipal civil service commission from a notice of unsatisfactory probation. [Amended House Bill No. 476, effective October 5, 1955, OHIO REV. CODE §143.34 (amended) and §143.341 to 143.345, inclusive (enacted).]

FIRE DEPARTMENTS—duties of and powers of state fire marshals and chiefs of the various fire departments.

The act amends the sections relating to the powers and duties of

the chiefs of fire departments to expressly include the chief of the fire department in each township in which a fire department is established. Prior to this enactment the duties conferred upon the chief of township departments were vested in township clerks. Such clerks will now act in this capacity only in townships where no fire department is established. [House Bill No. 73, effective August 18, 1955, OHIO REV. CODE §§3737.08, 3737.14, 3737.23 and 3781.03 (amended).]

FIREMEN—credit for service in police department.

A member of a municipal fire department who has resigned or been honorably discharged from the police department of the same municipal corporation, in computing years of service in the fire department for pension benefits, shall be given full credit for time served in the police department, provided, he pays into the fire and relief pension fund a sum equal to four per cent of the salary received as a member of the police department during the years for which service credit is claimed. [Amended House Bill No. 332, effective September 20, 1955, OHIO REV. CODE §741.181 (enacted).]

FIREMEN—may elect method of receiving pension benefits.

This act extends to January 1, 1956, the period in which members of the firemen's relief and pension fund may change their selection as to the method of receiving pension benefits. The prior dead line for such change was January 1, 1952. [Amended House Bill No. 465, effective October 10, 1955, OHIO REV. CODE §741.24 (amended).]

FISHING, COMMERCIAL—regulations.

The act changes the color of the buoy to which the metal tags, issued by the division of wildlife to persons licensed to take fish by net or seines, must be attached, from a commercial red to a commercial orange. It redesignates the areas of Lake Erie and Sandusky Bay in which fish may be taken by nets or seines. The length and size of the nets are designated. [Amended House Bill No. 93, effective September 29, 1955, OHIO REV. CODE §§1533.43 and 1533.45 (amended).]

FISHING LICENSES—fees for nonresidents.

The nonresident fishing license fee for a ten day permit is increased from one to three dollars. The yearly license fee for a nonresident is increased from three to five dollars. [Amended Senate Bill No. 116, effective March 1, 1956, OHIO REV. CODE §1533.32 (amended).]

FOOD SERVICE OPERATION—exemptions from definition.

Operations serving less than five persons and churches, schools, and

fraternal organizations serving meals not more than seven consecutive days or fifty-two days a year were added to the exemptions from the definition of food service operation. [Amended Substitute Senate Bill No. 27, effective September 29, 1955, OHIO REV. CODE §3732.01 (amended).]

FOOD SERVICE OPERATION—license fee.

The fees to be collected by a city or general health district for issuing licenses to food service operations is placed on a graduated scale ranging from fifteen dollars for each operation having a seating capacity of fifty-nine persons or less, to thirty dollars for operations having a seating capacity of one hundred fifty or more.

The fees under the prior law were to be fixed by the licensor with the approval of the public health council but could not be more than the cost of inspection and enforcement. [Amended House Bill No. 249, effective October 13, 1955, OHIO REV. CODE §3732.04 (amended).]

FUNERAL PROCESSIONS—right of way.

Pedestrians and operators of all vehicles, except emergency vehicles or vehicles directed by a police officer, shall yield the right of way to vehicles in a funeral procession. It is unlawful for a person to operate a vehicle as a part of a funeral procession without having the headlights lighted and displaying a purple and white pennant clearly visible from all directions. [Amended Substitute House Bill No. 178, effective January 1, 1956, OHIO REV. CODE §4511.451 (amended).]

FURNITURE—inspection of upholstered.

Upholstered furniture used for sitting, sleeping, reclining, or resting purposes is added to the list of bedding which must be inspected by the department of industrial relations. Stamps which must be affixed to upholstered furniture shall be sold at twenty dollars per thousand. [Amended House Bill No. 625, effective October 6, 1955, OHIO REV. CODE §§3713.01 and 3713.02 (amended), and §3713.021 (enacted).]

GASOLINE TAX—distribution of revenue.

See MUNICIPAL CORPORATIONS, this index.

GASOLINE TAX—refund when used outside this state.

The act provides for a refund of the gasoline tax paid on gasoline purchased in this state when such gasoline is used outside the state or is sold for use outside the state if a tax is paid on the fuel in another state. This provision eliminates refunds if the gasoline is used in another state and no tax is paid for such usage. Such refunds were possible under the

old law. [Amended House Bill No. 233, effective July 5, 1955, OHIO REV. CODE §§5735.14 and 5735.18 (amended).]

GENERAL ASSEMBLY—salary of senate members.

The salary of the members of the senate of the general assembly, except the president pro tempore, is now five thousand dollars a year, an increase of one thousand eight hundred dollars. The member elected president pro tempore shall receive seven thousand five hundred dollars a year. Under the prior law the president pro tempore did not receive additional compensation. [Senate Bill No. 418, effective October 13, 1955, OHIO REV. CODE §101.27 (amended).]

GIFTS—of securities to minors.

This act establishes a means of making gifts of securities to a minor without the necessity of appointing a guardian or setting up a trust. The name of the donor, an adult member of the minor's family, or guardian followed by the minor's name setting forth a custodian relationship is sufficient delivery of a security in registered form. Bearer securities may be given by delivering them to an adult member of the minor's family or to his guardian accompanied by a deed of gift acknowledged and signed by the donor and the custodian. The minor's guardian, unless he is also custodian, shall have no authority over such securities. The custodian need not give bond and he may sell, invest, or hold the securities as he deems advisable. He shall invest as would a prudent man seeking profit. He shall not be accountable except for bad faith or intentional wrong doing. [Amended House Bill No. 125, effective October 5, 1955, OHIO REV. CODE §§1339.19 to 1339.28, inclusive (enacted).]

GUARANTY COMPANIES—surplus required.

Mutual companies, organized to guarantee the fidelity of persons holding places of public or private trust, or guarantee the performance of contracts, shall not commence business until they have an unimpaired surplus of not less than two hundred fifty thousand dollars. Other guaranty companies must still deposit two hundred thousand dollars in securities with the superintendent of insurance. [Amended Senate Bill No. 417, effective October 4, 1955, OHIO REV. CODE §3929.10 (amended).]

GUARDIAN FOR ESTATES—of less than one thousand dollars.

The executive secretary of the county welfare board may act as trustee of the estate of a ward if it does not exceed one thousand dollars and he may collect payments for the ward if they do not exceed twenty-

five dollars per week. Guardians of an estate or several estates jointly whose value does not exceed one thousand dollars need only render an account at the termination of the guardianship. The court need not appoint a guardian for the estates of minor or incompetent if the estate does not exceed one thousand dollars.

These provisions originally applied only to estates if their value did not exceed five hundred dollars. [Amended Senate Bill No. 98, effective October 4, 1955, OHIO REV. CODE §§335.18 and 2111.05 (amended).]

HANDICAPPED PERSONS—employment encouraged.

This act is designed to encourage employers to employ handicapped persons whether the handicap is congenital or due to injury or disease. If a handicapped person is injured or disabled as a result of an employment and the industrial commission determines that the injury or death would not have occurred but for the handicap, the employer shall not be required to contribute to benefits paid such person but his benefits will be paid from surplus funds. If death or injury is caused in part by aggravation of the employee's handicap, the commission shall make an equitable determination of the portion of the award that is attributable to the employee's handicap and pay such amount from surplus funds. [Amended Substitute House Bill No. 642, effective September 27, 1955, OHIO REV. CODE §4123.631 (enacted).]

HEALTH DISTRICTS—district advisory council.

The law requiring the chief executive of each municipal corporation not constituting a city health district and the chairman of the board of township trustees of each township in a general health district to meet annually as a district advisory council was changed to allow the legislative authority of a municipality and the board of trustees of a township to select an alternate from among themselves if the chief executive or chairman of the board of township trustees is unable to attend a meeting of the district advisory council. [Amended House Bill No. 254, effective September 1, 1955, OHIO REV. CODE §3709.03 (amended).]

HIGHWAY CONSTRUCTION—issuance of bonds for.

See BONDS, this index.

HIGHWAYS—improvement within municipal corporations.

When a federal aid primary highway or a federal aid interstate highway is located within a municipal corporation and the legislative authority of such municipality refuses to consent to improvements desired to be made by the director of highways, the director may declare the necessity for the improvement by resolution and proceed in the same manner as

if consent had been given. The municipal corporation may appeal upon the reasonableness and necessity for the improvement to the common pleas court and may introduce evidence against such resolution. An appeal may be had from the decision of the common pleas court affirming or revoking the resolution.

Under the prior law the director could proceed to make improvements without consent of the legislative authority only if it were impossible or wholly impracticable to relocate the highway outside the municipal corporation. The appeal allowed in the old provision was merely a review by the court of the action of the director in making the resolution. [Amended House Bill No. 203, effective September 30, 1955, OHIO REV. CODE §5521.01 (amended).]

HIGHWAYS—"Johnny Appleseed Highway."

The portion of United States route number sixty-eight from Toledo to its junction with Ohio route thirty-one in Kenton and the portion of Ohio route thirty-one from its junction with United States route sixty-one in Kenton to its junction with route thirty-six in Marysville shall be known as "Johnny Appleseed Highway." Appropriate markers may be erected by the department of highways. [Amended House Bill No. 582, effective August 18, 1955, OHIO REV. CODE §5533.16 (enacted).]

HIGHWAYS—maximum length of vehicles operated thereon.

A semi-trailer of a commercial tractor and semi-trailer combination designed to transport other motor vehicles the length of which does not exceed forty feet may operate upon the public highways. Other commercial tractors and semi-trailers with a combined length of not more than fifty feet may be operated. The former law limited the length of motor vehicles designed to carry other vehicles to a length of thirty-five feet and commercial tractor and semi-trailer combinations to a length of forty-five feet. The width, height, and length of other vehicles and combinations were left unchanged. [Amended House Bill No. 398, effective August 24, 1955, OHIO REV. CODE §5577.05 (amended).]

HIGHWAYS—number of patrolmen.

The act fixes the maximum number of state highway patrolmen, which the superintendent may appoint, at seven hundred. The prior law provided for six hundred fifty patrolmen. [Amended House Bill No. 150, effective October 5, 1955, OHIO REV. CODE §5503.01 (amended).]

HIGHWAYS—protected from mine and quarry excavations and overburdens.

No person engaged in mining or quarrying any mineral, coal, stone, or clay, shall, without first obtaining a permit from the public authority

in charge of a public road, extend any part of an open pit excavation within less than fifty horizontal feet of such road or deposit overburden within less than thirty horizontal feet therefrom nor higher than a line would be if it began at a point thirty feet from the road or the same elevation as the road and extended upward and away from the road at an angle of forty-five degrees from the horizontal plane.

The public authority in charge shall issue the permit upon application and deposit with it of a surety bond or other security in an amount fixed by such authority and conditioned on repairing any damage to the road by the licensee.

Three years after the excavation or deposit of overburden, if the licensee has paid for any and all damage to the road caused thereby, the bond shall be released.

The act defines road as being the entire right of way and provides a penalty of one hundred dollars for a first offense and two hundred for each subsequent offense. [Amended Substitute House Bill No. 10, effective August 23, 1955, OHIO REV. CODE §§4153.11 and 4153.99 (amended).]

HIGHWAYS—right of way at intersections with yield signs.

The operator of a vehicle must yield the right of way at intersections marked with a yield sign to all other vehicles and pedestrians approaching from a different direction into his path. [Amended House Bill No. 841, effective October 6, 1955, OHIO REV. CODE §4511.43 (amended).]

HIGHWAYS—slow moving vehicles to allow sufficient space for other vehicles to pass.

The act provides that trucks and motor vehicles drawing other vehicles while ascending a grade shall not follow within three hundred feet of another such truck or vehicle. Vehicles in a motorcade or caravan shall maintain sufficient space between them to allow passing vehicles to enter such space without danger. These provisions are applicable outside municipal corporations and do not apply to funeral processions. [Substitute Senate Bill No. 170, effective September 30, 1955, OHIO REV. CODE §4511.34 (amended).]

HOLIDAYS—Armistice day changed to Veterans' day.

See **ARMISTICE DAY**, this index.

HIGHWAY—use tax.

The authority to issue highway use permits is taken from the registrar of motor vehicles and given to the tax commissioner. Persons

leasing or renting a commercial car or commercial tractor subject to the use tax is jointly and severally liable with the owner for the tax on miles traveled in operations under such lease or rental. The commissioner may suspend the permit of persons failing to file a return regardless of a pending appeal and the permit shall not be reinstated until such person has filed a return and paid in full plus a penalty of five per cent. A resident of this state who becomes a non-resident or conceals his whereabouts makes the secretary of state his agent for service of process.

Under the prior law only the owner was liable for the highway use tax and there was no provision for suspending a permit for failure to file a return while an appeal was pending. [Amended Substitute House Bill No. 449, §5728.06 effective July 1, 1955, remainder effective September 30, 1955, OHIO REV. CODE §§5728.02, 5728.04, 5728.06, 5728.07, 5728.08, 5728.11, 5728.12 and 5728.14 (amended) §§5728.061 and 5728.99 (enacted) and §§5728.03, 5728.05, and 5728.09 (repealed).]

HORSE RACING—harness racing permits.

This act exempts harness racing tracks from the provision that no permit shall be issued for tracks having racing strips of three-fourths of a mile or less for more than thirty-eight days a year. Thus harness tracks may be granted the maximum forty-four days regardless of track length. [Senate Bill No. 153, effective October 13, 1955, OHIO REV. CODE §3769.07 (amended).]

HORSE RACING—increased tax on pari-mutuel wagering.

The amount a permit holder who conducts the thoroughbred or running type of horse race may retain as a commission is increased from twelve and three-fourths to thirteen and one-half per cent of the total money wagered. The commission on harness racing is increased from fourteen to fifteen per cent.

At the close of each day of racing the permit holder shall pay to the tax commissioner, out of the amount he retained as a commission, as a tax: two and three-fourths per cent of the first ten thousand dollars wagered on running races and three per cent on harness races; four and three-fourths per cent on the next fifty thousand for running races and four per cent for harness races; five and three-fourths and five per cent, respectively, on the next three hundred thousand; and six and three-fourths and six per cent, respectively, for all over four hundred thousand dollars wagered.

The portion of such tax paid by permit holders for racing conducted at an agricultural exposition or fair shall be for the use of the agricultural societies of the county in which the taxes originate. [Amended House Bill No. 334, effective, July 6, 1955, OHIO REV. CODE §3769.08 (amended).]

HOSPITAL SERVICE ASSOCIATIONS—fee to superintendent of insurance increased.

This act provides that each hospital association shall pay the superintendent of insurance a fee of one cent for each contract to its hospital service plan issued and outstanding. The old fee was one-tenth of one cent. [Senate Bill No. 284, effective September 13, 1955, OHIO REV. CODE §1739.08 (amended).]

HUNTERS—penalty for injury to persons or property.

Any person, who negligently, carelessly, or recklessly injures persons or property while engaged in hunting, shall be fined not less than fifty nor more than one thousand dollars, or imprisoned not less than thirty days nor more than one year, or both. Such person's hunting licenses shall be revoked and he may be ineligible to purchase another for a period not exceeding five years. [Amended Substitute House Bill No. 30, effective October 5, 1955, OHIO REV. CODE §1533.171 (enacted) and §1533.99 (amended).]

HUNTING—pheasant shooting preserves.

This act allows as many as three commercial pheasant shooting preserves to be established in one county. They shall not exceed five hundred acres each and must be in one block of land but the block may be intersected by highways. The preserves must be at least one thousand five hundred feet apart.

Mallard or black ducks may be included in the preserves.

The prior law allowed only one preserve in each county and did not include ducks in such preserves. [Amended House Bill No. 403, effective October 13, 1955, OHIO REV. CODE §1533.73 (amended).]

INDUSTRIAL COMMISSION—salary of members.

The salary of members of the industrial commission is increased from eight thousand to ten thousand dollars. [Amended Senate Bill No. 337, effective June 30, 1955, OHIO REV. CODE §4121.05 (amended).]

INHERITANCE TAX—law requiring county recorders to report transfers in contemplation of death repealed.

The act repeals the law requiring county recorders to report to the tax commissioner semiannually any conveyance of property filed in their offices which appears to be in contemplation of death or intended to take effect in possession or enjoyment at or after death because of the lack of distinguishing characteristics by which such reports can be prepared. [Senate Bill No. 83, effective July 7, 1955, OHIO REV. CODE §5731.50 (repealed).]

INHERITANCE TAX—penalty for late payment.

No interest shall be charged on unpaid inheritance taxes when, due to litigation or other unavoidable delay, the exact amount of such tax cannot be determined. Previously a charge of five per cent interest was made during the period of such delay. [Amended House Bill No. 439, effective October 5, 1955, OHIO REV. CODE §5731.19 (amended).]

ILLEGITIMATE CHILD—may be issued a legitimate birth certificate.

Upon a father's acknowledgment of a child as his and with the mother's consent, the department of health shall issue such child a birth certificate which shall be the same as if a marriage had occurred before the child's birth. The original certificate shall cease to be a public record. Under the prior provision intermarriage of the father and mother was necessary before a certificate would be issued without note of illegitimacy. [House Bill No. 653, effective October 6, 1955, OHIO REV. CODE §3705.15 (amended).]

IN TRANSIT PLATES—used motor vehicles being transported must be equipped with.

See **MOTOR VEHICLES**, this index.

INSURANCE—issuance of policies on disapproved forms.

The superintendent may, after notice and hearing, suspend for ninety days the license of an insurer, agent, or broker who has issued a sick and accident policy on a disapproved form or violated any of the provisions of the Revised Code relating to sick and accident insurance. If such violation is willful the license may be revoked. The prior law did not contain a suspension provision. [Amended Senate Bill No. 365, effective September 29, 1955, OHIO REV. CODE §3923.21 (amended).]

INSURANCE—sick and accident regulation.

This act regulates companies engaged in the business of sickness and accident insurance. Such insurance policies must provide protection for at least a year but the company may refuse to renew a policy. The insured may cancel a policy at any time.

Industrial accident and health insurance is placed under the provisions of the state insurance law. The act supplies definitions for certain terms when such terms are not defined in the policy.

The superintendent may suspend an insurers license to transact business for ninety days for deceptive advertising. [Amended Substitute House Bill No. 881, effective July 1, 1956, OHIO REV. CODE §§3901.041, 3923.011, and 3923.141 (enacted) and §§3923.02, 3923.04, 3923.05, 3923.06, 3923.10, 3923.14, 3923.16, and 3923.99 (amended).]

INSURANCE—unfair and deceptive practices.

If any person engaged in the business of insurance is found by the superintendent of insurance, after a hearing, to be engaged in unfair and deceptive practices, the superintendent may order such person to cease such practices and he may suspend or revoke the license of any person failing to obey such order. The kinds of acts and practices which are deemed to be unfair and deceptive are enumerated in the act. [Amended Senate Bill No. 385, effective September 30, 1955, OHIO REV. CODE §§3901.19 to 3901.23, inclusive (enacted).]

INSURANCE COMPANIES—investment of funds.

This act expands the investments of a domestic insurance company, other than a life insurance company, to include investments in bonds of the District of Columbia. Surplus may now be invested in guaranteed loans to veterans secured by real estate, bonds of municipalities and provinces of Canada, bonds of governmental units payable from revenue of a publicly owned utility, interest bearing obligations of state and national banks in this state, and obligations of building and loan associations insured by the federal insurance corporation. [Amended Senate Bill No. 386, effective September 30, 1955, OHIO REV. CODE §§3925.05, 3925.08, and 3941.12 (amended).]

INSURANCE COMPANIES—must transact business thru licensed agent.

The act provides that no insurance company shall pay a commission to any person not licensed as an agent for negotiating any contract of insurance other than life insurance. It further requires that all policies or contracts for insurance, other than life insurance, must be countersigned by an authorized agent, except transportation ticket policies of accident or baggage insurance need only a facsimile of the agent's signature. The prior law was applicable to insurance on property in this state. Thus, the specific exception of life insurance policies clarifies the provision. [Amended Senate Bill No. 290, effective July 1, 1956, OHIO REV. CODE §§3905.05 and 5729.07 (amended).]

INSURANCE COMPANIES—underwriting and ceding powers, licensing of agents.

Domestic, foreign, or alien mutual or stock insurance companies authorized to do business in this state, other than life and title insurance companies and reciprocal insurers, may transact one or more of the seven kinds of insurance enumerated in the act. Section 3929.02 of the Revised Code, which limited insurance companies to one of the five kinds of insurance enumerated in section 3929.02 of the Revised Code, was expressly repealed. If its articles so provide such an insurance company may

apply to the superintendent of insurance for permission to transact any of the kinds of insurance described.

If an Ohio resident agent is licensed to write the kinds of insurance the company is authorized to transact he may be appointed by the company for such purposes, otherwise he must qualify and be so licensed. If an agent was qualified to write one or more of the kinds of insurance before July 1, 1945, his license shall be renewed for such kinds of insurance. Agents licensed after July 1, 1945, must procure a license to write all the kinds of insurance the company is authorized to transact. Procuring applications for insurance for which he is not licensed is cause for revocation of an agent's license and accepting such application by an insurance company shall be cause for revocation. [Amended House Bill No. 218, effective September 5, 1955, OHIO REV. CODE §3929.02 (repealed) and §3941.02 (amended).]

JOINDER OF CAUSES OF ACTION—wrongful death and injuries.

Claims of an executor or administrator for wrongful death of his decedent and injuries to the person or property of such decedent, when both claims arise out of the same wrongful act, may be joined in an action. Counterclaims arising out of the transaction set forth in the petition or connected with the subject of the action may be asserted against an administrator or executor in his capacity as representative of the estate of his decedent regardless of whether the action is one for wrongful death, or injury to the person or property of the decedent, or both. [Amended House Bill No. 80, effective September 22, 1955, OHIO REV. CODE §§2309.05, 2309.06 and 2309.16 (amended).]

JUDGES—assignment to probate court.

Upon filing an affidavit by counsel that a probate judge is prejudiced, interested, or otherwise disqualified and notification by the judge, the chief justice, if satisfied that such prejudice, interest, or disqualification exists, shall assign some other probate judge or a judge of the court of common pleas to hear the cause or matter. The prior law provided only for the assignment of a judge of the court of common pleas in such case. [Amended Senate Bill No. 31, effective October 4, 1955, OHIO REV. CODE §2101.39 (amended).]

JURIES—kinds of verdicts.

See VERDICTS, this index.

JUSTICES OF THE PEACE—election, salary, and jurisdiction.

The act creates a commission on justice courts in each county consisting of the presiding common pleas judge, the probate judge, and the

president of the board of county commissioners. The commission shall determine the number of justices for the county and provide for their election. The act removes justices of the peace from the fee system by specifically providing that they shall not retain any cost or fees and providing a fixed annual salary to be determined by the board of county commissioners. They may still retain fees for marriage ceremonies. Their jurisdiction shall not include territory within a municipal court district. [Amended Senate Bill No. 319, effective §§1907.01 to 1907.06, inclusive, 1907.08 to 1907.11, inclusive, and 1907.32 to 1907.34, inclusive, January 1, 1956, remainder September 30, 1955, OHIO REV. CODE §§1907.01 to 1907.12, inclusive, 1907.15, 1907.18 1907.32 to 1907.34, inclusive, 1909.01, 1909.02, 1909.03, 1911.03, 1911.04, 1911.07, and 1911.08 (amended) and §1907.47 (enacted).]

LAKE FRONT LANDS—state may lease to abutting owner.

This act re-establishes the state's ownership of the waters of Lake Erie and the land beneath and provides that the state may lease any part of such territory to owners of land fronting on the lake. The lease is subject to the rights of public navigation and that of the United States government and will not be made unless the port authority, municipal corporation, or county in which it is located determines that it is not necessary for their uses. The lease shall enumerate the uses to which the territory may be put.

The law which previously allowed municipal corporations to lease such lands to owners of property fronting on the lake and establishing the procedure therefor is repealed. [Amended Substitute Senate Bill No. 187, effective October 11, 1955, OHIO REV. CODE §123.031 (enacted) §§123.03, 721.04, 721.05, and 721.11 (amended) and §§721.06 and 721.07 (repealed).]

LEGATEES—protection of property of those in a foreign country.

If a legatee, distributee, or a beneficiary of a trust is residing in a foreign country and can not benefit from or control property or money due him from an estate because of circumstances prevailing at his place of residence, the probate court may direct the property or money be paid into the county treasury or delivered to a trustee in trust for such person to be paid to such person when he establishes, to the satisfaction of the court, his right to receive it. [Amended Substitute House Bill No. 638, effective October 6, 1955, OHIO REV. CODE §§2113.81 and 2113.82 (enacted).]

LIBRARIES—may contract for museum and contribute to support.

The board of trustees of a public library may contract with a non-profit corporation operating a public museum in the territory served by the library to turn over museum assets of the library to the corporation and loan it books and periodicals. The library may include in its budget a

sum of fifteen thousand dollars for maintenance of the museum. [Amended House Bill No. 906, effective October 6, 1955, OHIO REV. CODE §3375.402 (enacted).]

LICENSE PLATES—display on motor vehicles.

See **MOTOR VEHICLE LICENSE PLATES**, this index.

LICENSES FOR CIGARETTE VENDORS—procurement of duplicates.

See **CIGARETTE LICENSE**, this index.

LICENSES—recognition of operator licenses in reciprocal agreements with other states.

See **OPERATOR LICENSES**, this index.

LIENS—on animals to secure payment for food.

The act increases the category of animals upon which a lien may be had to secure payment for food to include all animals, specifically excepting man. The lienholder must give notice to the owner by mail at his last known address, along with notice by publication required by the prior law, before the animal is offered for sale. Disposing of any animal without giving the required notice precludes recovery of any deficiency. [Amended Substitute Senate Bill No. 201, effective September 29, 1955, OHIO REV. CODE §§1311.48 and 1311.49 (amended).]

LIFE INSURANCE COMPANIES—investment of funds.

This act allows domestic life insurance companies to make additional investments in real estate, bonds of municipalities of the Dominion of Canada, and bonds and other obligations of the United States and any state thereof. [Amended House Bill No. 508, effective August 18, 1955, OHIO REV. CODE §3907.14 (amended).]

LIQUOR CONTROL—penalties for violation of laws.

This act provides a penalty of twenty-five to two hundred dollars or imprisonment from ten to thirty days, or both for selling liquor after two-thirty a.m. on Sunday, or on election days between six a.m. and seven thirty p.m. A fine of from twenty-five to three hundred dollars or imprisonment for six months, or both is imposed on persons selling liquor to a minor, an intoxicated person, or habitual drunk. The provision that persons violating certain sections of the liquor law for which no penalty is provided shall forfeit their permits was eliminated. [Amended Substitute Senate Bill No. 367, effective October 4, 1955, OHIO REV. CODE §§4301.71, 4301.99 and 4303.37 (amended) and §4301.991 (enacted).]

LIQUOR PERMITS—bond requirements.

Applicants for a class A, B-1, B-2, B-3, B-4, or B-5 liquor permit must post a bond with the state of not less than two thousand nor more than ten thousand dollars before the permit will be issued. Holders of more than one B permit need post only one bond and an A permit holder may receive a B permit without posting additional bond.

The requirement of the former law that applicants for a Class C-1, C-2, D-1, D-2, D-3, D-3a, D-4, D-5, E, G, H, or I permit must post a bond was eliminated from the present law. [Amended House Bill No. 431, effective October 5, 1955, OHIO REV. CODE §4303.31 (amended).]

LIQUOR PERMITS—class F.

A class F permit may be issued to associations, labor unions, charitable organizations, or employers sponsoring a function for their employees to sell beer for a period of not more than five days. No more than two shall be issued to the same applicant within thirty days.

The prior law allowed F permits only to charitable organizations. (Amended Substitute Senate Bill No. 389, effective September 20, 1955, OHIO REV. CODE §4303.20 (amended).]

LIQUOR PERMITS—return of application fees.

If the department of liquor control does not issue a liquor permit within one hundred twenty days after application has been made therefor, the applicant may request that the initial fee be returned to him. The return of the initial fee shall not affect the pending, priority, or validity of the application even though the department did not issue the permit and the applicant failed to appeal. Prior to granting the permit the department shall notify the applicant who shall re-deposit the initial fee within thirty days or the application shall be cancelled. [Amended Substitute House Bill No. 620, effective October 6, 1955, OHIO REV. CODE §4304.24 (amended).]

LIQUOR PERMITS—safekeeping by the department of liquor control.

Permit holders who have their permit premises destroyed, condemned by exercise of eminent domain, or otherwise made unusable shall deliver their permit to the department of liquor control until such time as the original permit premises are made available for occupancy or new premises are secured.

While in safekeeping the permit may be renewed one time, transferred to other premises, transferred to a partnership, joint venture, firm or association of which the holder is a member, or to a corporation of which the holder is a member, or to a corporation of which the holder is

a majority shareholder, or transferred to the holder's guardian, administrator or executor. [Amended Senate Bill No. 57, effective June 30, 1955, OHIO REV. CODE §4303.272 (enacted).]

LOCAL GOVERNMENT FUND—allocations to.

The act provides for the allocation of the sales tax revenue to the local government fund at the rate of eleven million dollars between July 1, 1955, and December 31, 1955, and one million eight hundred thousand dollars each month thereafter. The amount allocated to the fund during the next biennium will be four million thirty thousand more than the forty million allocated during the last biennium. [Amended Substitute House Bill No. 713, effective October 6, 1955, OHIO REV. CODE §§5739.21, 5739.22, and 5739.23 (amended) and §5739.32 (enacted).]

MAIL DELIVERY VEHICLES—may use flashing lights.

The director of highway safety shall adopt standards and specifications permitting vehicles used to deliver United States mail on rural mail delivery routes to use flashing lights. [Amended House Bill No. 389, effective September 14, 1955, OHIO REV. CODE §§4511.01 and 4513.17 (amended) and §4513.181 (enacted).]

MENTAL HEALTH CLINICS—county commissioners may support.

The board of county commissioners of a county or two or more counties jointly may contribute towards the maintenance and support and the providing of facilities for mental health clinics serving their counties. The clinic shall be supervised by the department of mental hygiene and correction. The division of mental hygiene may allocate funds to counties for the establishment and operation of such clinics. [Amended Senate Bill No. 271, effective September 22, 1955, OHIO REV. CODE §339.65 (enacted).]

MENTAL HYGIENE AND CORRECTION—civil service classifications and creation of bureau of psychiatric training.

See **PSYCHIATRIC TRAINING**, this index.

MENTAL HYGIENE AND CORRECTION—repeal of certain laws.

This act repeals antiquated, inconsistent, and ineffective laws relating to the department of mental hygiene and correction. [Amended Senate Bill No. 330, effective September 30, 1955, OHIO REV. CODE §§501.08, 501.09, 5119.30, 5119.52, 5143.12, 5145.28, 5147.05, 5147.08, 5147.09, 5147.10, and 5147.11 (repealed).]

MENTAL HYGIENE AND CORRECTION, DEPARTMENT OF—disposition of money and property of patient, pupil or inmate.

Money given to the department of mental hygiene and correction in trust, if the instrument creating the trust failed to state term of disposition, shall escheat to the state upon expiration of the trust.

When a patient, pupil, or inmate, confined in an institution under the department's control, dies, escapes, or is discharged leaving funds in the hands of the managing officer and no demand is made for it within a year, the amount due for care of the inmate shall be paid into the general revenue fund of the state; the amount not so due shall be paid into the institutions entertainment fund. The act also provides for the disposition of a former inmate's personal effects. [Amended House Bill No. 877, effective September 30, 1955, OHIO REV. CODE §5119.13 (amended).]

MENTAL INCOMPETENTS—drivers licenses suspended.

The act provides that the probate judge shall suspend and forward to the registrar of motor vehicles the operator's or chauffeur's license of a person adjudged to be mentally incompetent. [Amended Substitute House Bill No. 113, effective September 30, 1955, OHIO REV. CODE §4507.161 (enacted).]

MENTAL PATIENTS—procedure for admission to state hospitals.

The act revises the law relative to admission of a mentally ill person to a state hospital and discharge therefrom. Save for the additional notices required to be given to the person alleged to be mentally ill, if the judge deems it advisable, his spouse, and the person filing the affidavit, there are few substantial changes made in the prior law although it is reworded to some extent. [Amended Substitute Senate Bill No. 333, effective September 30, 1955, OHIO REV. CODE §§5123.21, 5123.23, 5123.30, 5123.50, 5123.51, 5123.54, 5123.55 and 5123.57 (amended).]

MILK DISTRIBUTION—bulk dispensers.

The capacity of milk bottles shall be one-fourth or one-eighth of an inch below the sealing surface but paper cartons are exempted if filled by volumetric devices. The prior law required the bottles to be filled to the base of the lip or cap seat and did not exempt paper cartons.

Individual servings of pasteurized, homogenized milk may be made from refrigerated bulk milk dispensers in containers of not less than nine ounce capacity. The public health council shall regulate such dispensers. [Amended Substitute House Bill No. 547, effective October 5, 1955, OHIO REV. CODE §§1327.29 and 1332.02 (amended) and §1327.291 (enacted).]

MILITARY LEAVE OF ABSENCE—for temporary training.

See EMPLOYEES, this index.

MINES—compensation of rescue workers.

The superintendent of mine rescue stations shall appoint and train as many rescue crews composed of six members as he deems necessary. The captain of each crew shall receive twelve dollars per month and each member shall receive ten dollars per month. When engaged in rescue work away from their stations, the captain and members shall receive three dollars per hour for surface rescue work, including travel time to and from the scene of the emergency, and three dollars and fifty cents for underground work. In addition, they shall be reimbursed for their living expenses while away from their home stations.

The former law provided compensation at the rate of six dollars for crew members and one dollar per hour for surface work, while away from their station, plus fifty cents more for each hour spent underground. No travel time or living expense was allowed. [Amended House Bill No. 173, effective October 5, 1955, OHIO REV. CODE §4151.26 (amended).]

MINK—classified as domestic animals.

The act classifies mink raised in captivity for breeding or other useful purposes as domestic animals and agriculture products for the purpose of all governmental orders and regulations. The control over breeding, raising, producing, and marketing of mink is transferred from the division of natural resources to the department of agriculture. [Senate Bill No. 246, effective September 30, 1955, OHIO REV. CODE §901.35 (enacted).]

MINORS—method of making gift of securities.

See GIFTS, this index.

MONEY ORDERS—sale exempt from securities law.

See SECURITIES LAW, this index.

MORTGAGES—record as constructive notice.

The record of any mortgage which remains unsatisfied or unreleased of record for more than twenty-one years after the date of the mortgage or twenty-one years after the stated maturity date of the principal sum, if a stated date of maturity is provided in the mortgage, whichever is later, does not give constructive notice that such mortgage debt remains unpaid. As to subsequent bona fide purchasers and others dealing with the land for value the lien of such mortgage has expired.

Under the prior law the record was no longer constructive notice twenty-one years after the last due date of the principal sum or any part thereof. Thus it would seem that the purpose of the new language is to prevent the possibility of the twenty-one year period beginning to run at the time of default rather than at the stated due date where the mortgage secures an installment loan with an acceleration clause. [Amended Senate Bill No. 137, effective September 30, 1955, OHIO REV. CODE §5301.30 (amended).]

MOTOR VEHICLE CODE—arrest without warrant for minor violations.

The act makes numerous minor changes in the law relative to the procedure in arrest without a warrant for violations of the motor vehicle code, but the provisions remain substantially the same.

The provisions are made applicable to violations of ordinances corresponding to the motor vehicle code for which such arrest may be made if punishable only as a misdemeanor. If a hearing cannot be had and the person is released from custody, whether security is to be required and the amount thereof is left to the discretion of the judicial officer. The prior law made a deposit of a sum equal to the maximum fine mandatory. [Amended House Bill No. 162, effective September 30, 1955, OHIO REV. CODE §4549.17 (amended).]

MOTOR VEHICLE LIABILITY INSURANCE—exempt from sick and accident insurance law.

See **INSURANCE**, this index.

INSURANCE—exemptions from sick and accident insurance law.

The provisions of the statutes governing sick and accident insurance do not apply to policies of motor vehicle liability insurance with supplementary coverage protecting an insured against loss from an unsatisfied judgment for bodily injury or death resulting from an auto accident, and motor vehicle insurance with supplementary coverage which insures against hazards of motor vehicle accidents. [Amended Senate Bill No. 294, effective August 30, 1955, OHIO REV. CODE §3923.20 (amended).]

MOTOR VEHICLE LICENSE—applications for license plates and drivers license need not be notarized.

This act eliminates the requirement that applications for a motor vehicle license, chauffeur's license, and operator's license must be notarized. [Amended Senate Bill No. 276, effective September 13, 1955, OHIO REV. CODE §§4503.10, 4507.06, and 4507.36 (amended).]

MOTOR VEHICLE LICENSE—certain farm machinery exempt.

The act adds corn shellers and hammermills to the list of farm machinery exempt from the motor vehicle license law by excepting them

from the definition of motor vehicles. [Amended House Bill No. 382, effective September 30, 1955, OHIO REV. CODE §4501.01 (amended).]

MOTOR VEHICLE LICENSE PLATES—display of.

The act corrects and clarifies the former law relative to the display of license plates by providing that they shall be displayed in the front and back of motor vehicles and only on the rear of trailers, semitrailers, and housetrailer. [Amended Substitute House Bill No. 246, effective September 30, 1955, OHIO REV. CODE §4503.21 (amended).]

MOTOR VEHICLE LICENSE PLATES—special to owners of radio and television stations.

Owners of motor vehicles who hold a commercial radio or television broadcasting station license shall, upon application and payment of fees, be issued a special license plate for private passenger cars with the licensee's official call letters inscribed thereon in lieu of the prescribed numbers. Such special plates were previously reserved for amateur radio station licensees. [Amended Senate Bill No. 59, effective September 29, 1955, OHIO REV. CODE §4503.14 (amended).]

MOTOR VEHICLES—certificate of title.

The act eliminates the requirement that the motor number of motor vehicles be shown on the certificate of title and applications therefor. [Amended Substitute House Bill No. 231, effective September 30, 1955, OHIO REV. CODE §4505.07 (amended).]

MOTOR VEHICLES—certificates of title may be destroyed.

The act permits the registrar of motor vehicles to destroy a certificate of title, memorandum certificates, or supporting evidence covering any motor vehicle or house-trailer fifteen years after its date of filing. The clerk of courts may issue a duplicate title for any that has been destroyed. [House Bill No. 290, effective September 30, 1955, OHIO REV. CODE §4505.08 (amended).]

MOTOR VEHICLES—dealer's license tax.

Each motor vehicle manufacturer or dealer shall pay a twenty-five dollar tax for each taxing district in which its place or places of business are located in the state. The tax is to be collected by the registrar of motor vehicles.

The prior law imposed a twenty-five dollar tax for each place of business—thus if a dealer had two places of business in one taxing district he would be required to pay two fees where as now it seems he need only pay one. [Amended House Bill No. 250, effective April 1, 1956, OHIO REV. CODE §4503.09 (amended).]

MOTOR VEHICLES—penalty for overload.

The act eliminates the penalty for overload of motor vehicle combinations if the overload on any axle does not exceed one thousand pounds and the immediately preceding or following axle, except the front axle, is underloaded by the same or a greater amount. Two axles less than eight feet apart are considered as one axle. [Amended House Bill No. 395, effective October 13, 1955, OHIO REV. CODE §5577.99 (amended).]

MOTOR VEHICLES—reciprocity granted to moving vans.

See **AXLE-MILE TAX**, this index.

MOTOR VEHICLES—speed limits on state highways.

See **SPEED LIMITS**, this index.

MOTOR VEHICLES—title fees increased.

The clerk of common pleas court shall charge fifty cents for each memorandum certificate and one dollar for each certified copy of a certificate of title. Such fees shall be retained by him. He shall charge one dollar for each certificate of title, seventy-five cents of which shall be retained by him and twenty-five cents shall be forwarded to the registrar of motor vehicles.

Previously the fees for a memorandum and certified certificate were twenty-five and seventy-five cents, respectively, and seventy-five cents for a certificate of title. [House Bill No. 289, effective September 30, 1955, OHIO REV. CODE §4505.09 (amended).]

MOTOR VEHICLES—used motor vehicles being transported must be equipped with "in transit" plates.

The act provides that any person, firm, or corporation engaged in transporting new or used motor vehicles by any of the various methods shall apply and pay a registration fee of fifty dollars for an "in transit" permit. The registrar shall issue to each permittee a certificate and placard bearing the registration number. Additional certificates and placards may be obtained by the payment of three dollars each. One placard must be displayed on each vehicle while it is being transported. The former law applied only to the transportation of new motor vehicles. [Amended House Bill No. 260, effective March 31, 1955, OHIO REV. CODE §§4503.33 and 4503.34 (amended).]

MUNICIPAL CORPORATIONS—classification.

The act eliminates the necessity for a municipal corporation to wait for a federal census taken every ten years to establish its population

at five thousand so that it may be classified as a city. Now a municipal corporation, which at the last preceding general election had more than five thousand resident electors registered with the board of elections or more than five thousand resident electors have voted in the last preceding general election, is a city. A city may now be classified as a municipal corporation having a population of five thousand or more or having more than five thousand resident electors registered or voting. [Amended Substitute House Bill No. 31, effective August 30, 1955, OHIO REV. CODE §703.01 (amended) and §703.011 (enacted).]

MUNICIPAL CORPORATIONS—may appropriate cemetery lands for waterworks purposes.

Municipal corporations may purchase cemetery lands necessary for the construction and protection of dams, reservoirs, and sites for water supplies. The municipality must remove or contract for the removal of those buried in the land purchased, together with all monuments, if it is necessary. Such lands may be appropriated by eminent domain if a purchase cannot be agreed upon. [Amended House Bill No. 714, effective June 20, 1955, OHIO REV. CODE §719.031 (enacted).]

MUNICIPAL CORPORATIONS—reimbursed for advance expenditures for engineering plans.

See **DIRECTOR OF HIGHWAYS**, this index.

MUNICIPAL CORPORATIONS—sewerage system repair.

In municipal corporations conducting waterworks and sewerage systems as a single unit, a sum of not more than ten per cent of the gross revenue derived from the waterworks may be applied to the cost of maintaining, operating and repairing the sewerage system; provided that the surplus is first applied to repairs, enlargement, and extension of the waterworks, the payment of loans and creation of a sinking fund.

Under the prior law this provision was applicable to cities only. [Senate Bill No. 413, effective September 29, 1955, OHIO REV. CODE §743.05 (amended).]

MUNICIPAL CORPORATIONS—share of gasoline tax.

This act provides for the distribution of the gasoline excise tax revenues to newly incorporated villages on the basis of the total number of motor vehicles registered in the territory comprising the village during the entire year in which the village was incorporated. The auditor of state shall use this number for determining the distribution to such village until it qualifies for regular distribution. [Amended Substitute House Bill No. 788, effective September 30, 1955, OHIO REV. CODE §5735.23 (amended).]

MUNICIPAL CORPORATIONS—use of motor vehicle fuel tax and license revenues.

This act provides a uniform use for gasoline and motor vehicles license revenues allocated to municipal corporations. They shall be used for construction and maintenance of public highways and streets; repair of bridges and viaducts; and for the purchase, erection, and maintenance of traffic lights. Seven and one-half per cent of such moneys shall be used for the above described purposes but shall be applied only to state highways running through the municipality.

Formerly the gasoline revenue and the license revenues were earmarked for different but overlapping uses. [Amended House Bill No. 268; effective, §§4503.02, 5735.05, and 5735.25, June 26, 1955, remainder September 27, 1955, OHIO REV. CODE §§4501.04, 4503.02, 5735.05, 5735.23, 5735.25 and 5735.27 (amended) and §5735.28 (enacted).]

MUNICIPAL COURT JUDGES—increased compensation.

Judges of municipal courts, in territories containing no city and in territories having a population of not more than twenty thousand and, after January 1, 1961, in territories having a population of not more than twenty-five thousand, shall receive as compensation not less than three thousand dollars. Until January 1, 1961, in territories containing a city and having a population of more than twenty thousand or, after January 1, 1956, a population of more than twenty-five thousand, judges shall receive six thousand dollars plus the per capita allowance which remains unchanged. The ceiling of three thousand dollars of additional compensation, which the legislative authority may allow for judges in territories having a population of more than two hundred thousand, is removed. The maximum for judges of municipal courts is fixed at thirteen thousand dollars.

Compensation provided in the prior law was two thousand and four thousand, respectively, plus the per capita allowance and the maximum was set at twelve thousand. [Amended Substitute Senate Bill No. 145, effective October 11, 1955, OHIO REV. CODE §1901.11 (amended).]

MUNICIPAL COURTS—creates and extends jurisdiction.

This act creates a municipal court in Eaton, Elyria, Findlay, Lebanon, Marietta, and Troy and enlarges the jurisdiction of the municipal courts in Ashtabula, Cincinnati, Columbus, Portsmouth, and Willoughby. The jurisdiction of justice of the peace courts are reduced according to the establishment and enlargement of municipal courts. The police court in Marietta is abolished and the law relative thereto is repealed. [Amended Substitute House Bill No. 504, effective §§1903.80 to 1903.87, inclusive, repealed December 31, 1957, remainder July 5, 1955, OHIO REV. CODE §§1901.01, 1901.02, 1901.07, 1901.08 and 1901.10 (amended) and §§1903.80 to 1903.87, inclusive (repealed).]

MUSEUMS—may receive support from public library.

See PUBLIC LIBRARIES, this index.

NARCOTIC DRUGS—manufacture, sale, and possession.

This act completely revamps the laws relative to the manufacture, sale, and possession of narcotic drugs in order to make them more effective. The penalty for growing, cultivating, or manufacturing, administering or dispensing, or obtaining narcotics illegally is increased from a fine of five hundred dollars or five years imprisonment to a fine of ten thousand dollars or imprisonment for five years. Other penalties are also increased. The penalty for unlawfully dispensing a drug to a minor is thirty years to life imprisonment without probation. [Amended Substitute Senate Bill No. 214, effective September 16, 1955, OHIO REV. CODE §§3719.01 to 3719.09, inclusive, 3719.12, 3719.15, 3719.16, 3719.17, 3719.20, 3719.28, and 3719.99 (amended) and 3719.111, §§3719.021, 3719.101, 3719.111, 3719.171, and 3719.172 (enacted).]

NONNUTRITIVE SWEETENERS—permitted in soft drinks.

The act provides that nonnutritive sweeteners may be used in soft drinks if the label thereon clearly states that it contains a nonnutritive sweetener, the name of the sweetener, and that it is prepared for persons who must restrict their intake of sugar. No nonnutritive sweetener shall be added to drinks containing a nutritive sweetener and no nutritive sweetener shall be added to drinks labeled as containing nonnutritive sweeteners. [Amended House Bill No. 457, effective August 30, 1955, OHIO REV. CODE §§913.22 and 913.24 (amended).]

NUISANCE—placing or permitting refrigerators or air tight containers in places where they are dangerous to children.

No person shall place or knowingly permit to remain on premises under his control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or a lid equipped with a fastening device capable of securing such door or lid, without first removing such fastener.

The penalty for violation is a fine of not less than twenty-five nor more than two hundred dollars. The act provides for inspections and injunctions to abate such nuisances. [Amended House Bill No. 11, effective August 1, 1955, OHIO REV. CODE §§3767.23, 3767.24, 3767.25 3767.26, 3767.27, 3767.28 and 3767.99 (amended) and §3767.29 (enacted).]

NURSES—educational standards, regulations, licensing of practical nurses.

This act provides for the licensing of practical nurses by the state

board of nursing. A license shall be granted to a practical nurse who meets the educational and training requirements and passes an examination prescribed by the nursing board. A license may also be obtained by meeting certain requirements of experience as a nurse with a doctor. A licensed practical nurse or "R. P. N." is licensed to perform nursing services under the supervision of a licensed physician or a registered nurse. A person may still engage in practical nursing for a consideration without a license so long as he does not hold himself out to be a licensed practical nurse.

The application fee for a registered nurse is twenty dollars and that for a practical nurse is fifteen dollars. The annual renewal fee for both is two dollars.

The penalty for practicing nursing as a registered or practical nurse without a license is a fine of from one hundred to five hundred dollars or imprisonment for ninety days, or both. [Amended Substitute Senate Bill No. 177, effective January 1, 1956, OHIO REV. CODE §§4723.01 to 4723.38, inclusive, and §4723.99 (enacted) and former §§4723.01 to 4723.24, inclusive, and §4723.99 (repealed).]

OHIO SOLDIERS' AND SAILORS' HOME—qualifications for admission.

The act makes the Ohio soldiers' and sailors' home available to male persons only and extends the provisions to cover persons who served in the armed forces of the United States during the Korean conflict. To be eligible for admission to the home the applicant must have been a citizen of Ohio for at least five consecutive years at the time of making application. The prior provisions did not specifically limit admission to males and the length of citizenship in Ohio at the time of application for admission was placed at one year. [Amended Senate Bill No. 298, effective August 30, 1955, OHIO REV. CODE §5907.04 (amended).]

OMNIBUS BILL—correction of substantive errors in Revised Code.

This act amends sections of Titles I, III, IX, XII, XIX, XXI, XXII, XXIX, XXXI, XXXIII, XXXV, XXXVII, XXXIX, XLV, LI and LVII of the Revised Code for the purpose of correcting substantive errors resulting from the revision of the General Code. [Amended House Bill No. 26, effective March 17, 1955, OHIO REV. CODE §§131.23, 317.13, 913.23, 915.01, 915.09, 971.02, 1337.06, 1905.27, 1917.11, 2115.16, 2325.01, 2709.36, 2941.05, 2947.25, 3107.06, 3321.16, 3321.17, 3321.18, 3515.01, 3711.09, 3731.08, 3743.44, 3743.46, 3773.99, 3783.01, 3783.02, 3787.38, 3787.53, 3789.07, 3811.10, 3929.01, 4511.01, 4511.76, 5125.14, 5705.01, 5707.02, and 5707.06 (amended).]

OPERATOR LICENSES—recognition in reciprocal agreements with other states.

The attorney general, director of highway safety, or a member of

the public utilities commission may confer with the proper officials and legislative bodies of the various states and the District of Columbia for the purpose of promoting reciprocal agreements under which the licenses of operators residing in this state shall be recognized by other states and federal districts.

The former law provided, among other things, for reciprocal agreements relating to licenses of chauffeurs but made no mention of operator licenses. [House Bill No. 263, effective August 1, 1955, OHIO REV. CODE §4503.37 (amended).]

PARDON AND PAROLE COMMISSION—salary increased.

The act increases the salary of each member of the pardon and parole commission from seven thousand two hundred dollars to eight thousand four hundred dollars plus traveling expenses. [Amended House Bill No. 186, effective May 12, 1955, OHIO REV. CODE §2965.07 (amended).]

PARTY LINES—use must be relinquished to persons desiring to place emergency call.

This act defines "party line" and "emergency" and provides that no person shall refuse to immediately yield the use of a party line to a person for the purpose of permitting such person to report a fire, summon law enforcement agencies, ambulance service, medical, or other aid in case of emergency. No person shall request emergency use of a party line knowing that no emergency exists. No person, firm, or corporation shall distribute any telephone directory, other than a classified directory, unless such directory contains a notice explaining the offenses provided for in the act.

Violators shall be fined not less than fifty nor more than five hundred dollars or imprisoned not less than thirty days or more than three months, or both. [Amended Senate Bill No. 102, effective June 30, 1955, OHIO REV. CODE §4931.30 (enacted) and §4931.99 (amended).]

PERMITS—for excavations in township roads.

The act provides that the board of township trustees may by resolution require any person to obtain a permit before making any excavation in a public highway within its jurisdiction. The board may require such person to submit plans, specify methods, use warning devices, indemnify the township against liability, and post a deposit or bonds conditioned upon the performances of the conditions of the permit. Persons violating any such resolution are subject to a fine of not more than two hundred dollars or imprisonment of not more than thirty days, or both. [Amended House Bill No. 576, effective August 16, 1955, OHIO REV. CODE §§5571.16 and 5571.99 (enacted).]

PERSONAL PROPERTY—definition.

Patterns, jigs, dies, and drawings are now excluded from the definition of personal property for the purpose of taxation only if they are held for use and not for sale in the ordinary course of business. The prior law exempted such items at all times. [Amended Senate Bill No. 73, effective October 4, 1955, OHIO REV. CODE §5701.03 (amended).]

PERSONAL PROPERTY—"used in business" defined.

Machinery or other equipment under construction or installation shall not be considered as used in business until such machinery is in operation or capable of operation.

Agriculture products stored in this state under the control of the United States government or merchandise or agriculture products shipped from outside the state and held in this state for storage only and then shipped to another state are not to be considered as being used in business. [Amended Senate Bill No. 107, effective September 30, 1955, OHIO REV. CODE §5701.08 (amended).]

PHYSICIANS AND SURGEONS—certificates to practice granted to commissioned medical officers.

Any physician or surgeon, who cannot meet the requirements of section 4731.09 of the Revised Code but who has served as a commissioned medical officer in the army, navy, or air force of the United States or the United States public health service between June 1, 1950 and January 1, 1955, shall be granted a certificate to practice medicine or surgery provided he makes application within four years after the effective date and meets the requirements of section 4731.08 of the Revised Code and requirements set forth in the act. [Amended Senate Bill No. 5, effective March 16, 1955, OHIO REV. CODE §4731.10 (enacted).]

PIPE LINE COMPANIES—authority for issuing securities for certain purposes not required.

A pipe line company engaged in transporting oil through pipes within this state may issue stocks, bonds, notes and other evidence of indebtedness for the purpose of acquiring or paying for securities of any other corporation wheresoever organized without applying to the public utilities commission for permission to do so. The prior law invalidated any such evidence of indebtedness issued by a public utility without permission except bonds, notes, and other evidence of indebtedness for acquisition of property or the construction or improvement of facilities of service outside the state. [Amended House Bill No. 216, effective September 5, 1955, OHIO REV. CODE §4905.42 (amended).]

PLANNING COMMISSIONS—may contract with federal government.

County and regional planning commission may accept funds and services from the federal government or its agencies and the state or local governments or their agencies, and may make contracts and provide such information as is necessary to secure such aid. [Amended Substitute House Bill No. 635, effective October 7, 1955, OHIO REV. CODE §§713.21 and 713.22 (amended).]

POLICE AND FIRE DEPARTMENT EMPLOYEES—suspension and removal.

See CIVIL SERVICE, this index.

POLITICAL SUBDIVISIONS—may adopt airport zoning regulations.

See AIRPORTS, this index.

POLITICAL SUBDIVISIONS—may make some purchases without competitive bidding.

See COMPETITIVE BIDDING, this index.

POLITICAL SUBDIVISIONS—meetings must be open to public.

This act adds the meetings and records of any board, commission, agency, or authority of any county, township, municipal corporation, school district, or other political subdivisions to the provision that all meetings and records of any board or commission of any state agency or authority must be open to the public. [Amended Senate Bill No. 324, effective September 30, 1955, OHIO REV. CODE §121.22 (amended).]

POLITICAL SUBDIVISIONS—must notify state retirement systems before issuing bonds.

Political subdivisions authorized to issue and sell revenue or mortgage bonds must notify the various state retirement systems and the industrial commission of their intention to issue such bonds before adopting a resolution or ordinance to do so. The resolution or ordinance will be void unless such notice is given at least ten days prior to its passage. [Amended Substitute Senate Bill No. 168, effective October 4, 1955, OHIO REV. CODE §133.371 (enacted).]

PORT AUTHORITIES—authorized to be created by political subdivisions.

The act authorizes municipal corporations, counties, or a combination thereof, to establish port authorities with power of eminent domain and with power to issue bonds and levy taxes upon the approval of fifty-five per cent of the qualified electors within the port authority. The port authority is to be governed by a board of directors appointed by the mayor

or the county commissioners. The board is authorized to prepare a plan for future development of the port. The authority may purchase, construct, sell, and operate port facilities and, in connection therewith, may improve any canal channel, river, or stream and acquire real and personal property. [Amended Senate Bill No. 193, effective October 10, 1955, OHIO REV. CODE §§4582.01 to 4582.15, inclusive (enacted).]

PRISONERS—committed to a workhouse.

See WORKHOUSE, this index.

PROBATE COURT FEES—for services in various proceedings increased.

Under this act the fee to be charged by the probate judge for rendering services in some proceedings remains the same while that for others is increased as much as eight dollars in one instance and five dollars in several instances. [Amended House Bill No. 126, effective August 5, 1955, OHIO REV. CODE §2101.16 (amended).]

PROBATION OFFICERS—excepted from classified civil service.

The act excepts the probation officers of the Cleveland municipal court from the classified civil service of the city of Cleveland. [Amended Senate Bill No. 207, effective September 29, 1955, OHIO REV. CODE §1901.32 (amended).]

PROCESS—service on deceased and nonresident motorist.

The nonresident motorist statute is amended to provide that appointment of the secretary of state as the agent for service of process for non-residents operating or owning a motor vehicle operated in this state shall be irrevocable and binding on the executor or administrator of such owner or operator. Infant owners or operators may be served in the same manner as other nonresident motorists. [Amended Senate Bill No. 60, effective October 4, 1955, OHIO REV. CODE §2703.20 (amended).]

PROCESS—service on unauthorized foreign or alien insurers.

Issuing or delivering contracts of insurance, to residents of this state, solicitation of contracts, collection of premiums or other consideration for such contract, or other transactions of insurance business in this state by an unauthorized foreign insurer shall constitute an appointment by such insurer of the superintendant of insurance as its attorney upon whom process may be served in any action instituted against it by an insured arising out of such contract. Process may also be served on any person who has been soliciting insurance, making or delivering contracts, or collecting premiums or other consideration for insurance in this state on behalf of such an insurer.

Notice of such service and a copy of process must be sent within ten days by plaintiff to defendants last known address. Defendants receipt or the receipt issued by the registering post office with affidavit of compliance must be filed in the court where the action is pending on or before the date defendant is required to appear. No default judgment may be had until thirty days after filing affidavit of compliance.

Before defending, except to quash service, the insurer must deposit security sufficient to satisfy any judgment which may be had against it or secure a certificate to transact business within this state. [Senate Bill No. 112, effective July 25, 1955, OHIO REV. CODE §3901.17 and 3901.18 (enacted).]

PSYCHIATRIC TRAINING—bureau created.

This act creates a bureau of psychiatric training and research in the department of mental hygiene and correction under the supervision of the commissioner of mental hygiene. The bureau shall conduct training programs in the diagnosis, care, and treatment of mentally ill persons; make studies and researches concerning the causes and prevention of mental illness; and operate and manage the institute of psychiatry at Rollman, Columbus, and Cleveland state hospitals.

Civil service classification of physicians in the department of mental hygiene and correction is provided for. The chiefs of the various divisions and managing officers of the various institutions are removed from the classified civil service. [Amended House Bill No. 933, effective October 1, 1955, OHIO REV. CODE §§5119.03, 5119.07, 5119.48, 5121.08, 5123.04, and 5123.05 (amended) §§5123.07, 5127.04, 5141.32, 5141.34, 5141.38, and 5143.22 (repealed) and §§5119.41, 5129.01, 5129.02, and 5129.03 (enacted).]

PUBLIC AND SCHOOL RETIREMENT SYSTEMS—made more uniform, benefits increased.

This act completely revamps the public employees, state teachers, and school employees retirement systems in order to make them more uniform. The formula for determining the retirement benefits and the amount of such benefits, disability retirement, and survivorship benefits are the same for all three systems.

The minimum annual benefits for members having attained their sixty-fifth birthday or retiring with thirty years service is his total service credit multiplied sixty-three dollars or one and one-half per cent of his average salary which may not be more than fifteen thousand dollars. The schedule for determining benefits for those retiring at varying ages and service is set forth in the act. [Amended House Bill No. 744, effective June 29, 1955, OHIO REV. CODE §§145.01, 145.12, 145.20, 145.21, 145.23, 145.31, 145.32, 145.33, 145.34, 145.36, 145.37, 145.45, 145.46, 145.56, 3307.01, 3307.19, 3307.28, 3307.38, 3307.40,

3307.41, 3307.43, 3306.49, 3307.50, 3307.71, 3309.01, 3309.02, 3309.20, 3309.25, 3309.26, 3309.30, 3309.34, 3309.35, 3309.36, 3309.38, 3309.39, 3309.40, 3309.45, 3309.46, 3309.47, 3309.65, and 3309.66 (amended) and §§145.101, 145.381, 145.561, 3307.711, 3309.141, 3309.341, and 3309.661 (enacted).]

PUBLIC AUCTION—sales of new merchandise regulated.

No person shall offer for sale at a public auction any merchandise not previously sold at retail without first having applied for and secured a license to do so from the county auditor and posting a bond sufficient to satisfy all judgments and tax assessments arising out of such sale. The fee for the license is ten dollars a day for each day the sale is conducted. The licensee shall file an inventory, in duplicate, with the county auditor within ten days after the sale, setting forth the new merchandise sold and the price received. Penalty for violation is a fine of two hundred to one thousand dollars or imprisonment from thirty to one hundred eighty days, or both. [Amended Substitute House Bill No. 184, effective October 11, 1955, OHIO REV. CODE §§1318.01 to 1318.08, inclusive (enacted).]

PUBLIC EMPLOYEES—terms of employment.

This act sets a standard work week of forty hours for all state employees. The director of mental hygiene and correction may fix a forty-four hour week in that department. If an employee is required to work more than these number of hours in a seven day period he shall be compensated therefor or awarded compensatory time off within ninety days. The vacation leave for all employees is fixed at two weeks a year after one year's service and three weeks after fifteen years service. At the death of an employee his estate shall be compensated for any unused vacation time to his credit.

The former law provided for an eight hour day for five and one-half days a week; prohibited pay for time worked in excess of this amount by employees with fixed compensation; and determined the vacation leave of employees with a fixed salary, those paid a per diem amount, and those paid an hourly amount on a different basis. [Amended House Bill No. 52, effective October 11, 1955, OHIO REV. CODE §121.16 (amended) and §121.161 (enacted).]

PUBLIC EMPLOYEES RETIREMENT—disability.

A member of the public employees retirement system may be retired if he has not attained his sixtieth birthday if a medical examination shows he is totally physically or mentally incapacitated for performance of duty. [House Bill No. 763, effective October 6, 1955, OHIO REV. CODE §§145.35, 145.49, and 145.50 (amended).]

PUBLIC EMPLOYEES RETIREMENT SYSTEM—members of a public library system may become members.

The contribution rate of a board of trustees of a public library to the public employees retirement system may be separate and different from the rate assessed other employers, if prior to June 30, 1938, a retirement plan had been provided for its employees according to the laws of the state.

The board of trustees of a public library, which has seventy-five or more employees and which prior to September 16, 1943, maintained a retirement system, may continue such system. However, employees, whose employment began on or after September 16, 1943, may abet to become members of the public employees system and the board must pay, to any employee who was ineligible for membership in the library retirement system and whose service has been terminated prior to October 6, 1955, the amount it would have paid to the public employees retirement system had such coverage been provided during the period of employment. [Amended House Bill No. 636, effective October 6, 1955, OHIO REV. CODE §145.48 (amended) and §3375.411 (enacted).]

PUBLIC OFFICIALS—salary increased.

The salary of the director of natural resources, administrator of the bureau of unemployment compensation, tax commissioner, and director of liquor control is increased from ten thousand to twelve thousand dollars annually. The annual salary of each member of the unemployment board of review is increased from eight thousand to ten thousand dollars. [Amended Senate Bill No. 195, OHIO REV. CODE §§141.03 and 4141.06 (amended).]

PUBLIC ROADS—relocation.

This act amends the law applicable to the relocation of public roads by expressly providing that if the relocation is allowed the person petitioning for such change shall pay all expenses in connection with such change including the cost of relocation of conduits, cables, wires, towers, poles or other equipment or appliances of any public utility, located on, over or under such road. The act also provides for relocation of roads under the jurisdiction of a board of township trustees. The former law was applicable only to roads under the jurisdiction of a board of county commissioners and did not expressly provide that the person desiring the change should pay the expenses of relocating public utility facilities along such road. [Amended Substitute House Bill No. 109, effective August 1, 1955, OHIO REV. CODE §§5553.23 and 5553.26 (amended) and §5571.011 (enacted).]

PUBLIC UTILITIES—statement of sleeping car, freight line, and equipment companies to be filed with the tax commissioner.

During the month of May each year, every sleeping car, freight line, and equipment company doing business in this State shall file a statement with the tax commissioner for the next preceding year. The statement shall contain, among a list of other things, the value of the shares of stock on the first day of January. The prior provision required the stock value as of the first day of May. [Amended House Bill No. 527, effective September 22, 1955, OHIO REV. CODE §§5727.24 and 5727.25 (amended).].

PUBLIC UTILITIES COMMISSION—extension of levy for support.

The assessment against the railroads and public utilities for the administration costs of the public utilities commission is extended to include the fiscal years of 1955 and 1956. [House Bill No. 179, effective July 7, 1955, OHIO REV. CODE §4905.10 (amended).]

REAL ESTATE BROKERS—law relative to revised.

The act adds receiving a passing grade in two real estate courses approved by the state board of real estate examiners in an approved college or university to the methods for qualifying for a broker's examination. Real estate brokers and salesmen must identify themselves in all their adds and brokers having branch offices must register the license therefor with the clerk of courts of the county wherein such office is located.

Gross negligence, incompetency, or misconduct in practice; failure to keep escrow money in a special account; failure to put proper expiration dates on listing contracts; and having unsatisfied judgments arising out of conduct as a broker were added as grounds for suspension or revocation of a license. The causes for suspension and revocation were made applicable to a licensee handling his own property.

Persons bringing an action for compensation or collection under a brokerage contract must prove that the act giving use to the action was performed by a licensee prior to the expiration of his license. This clarifies a similar provision in the former law. [Amended House Bill No. 18, effective September 20, 1955, OHIO REV. CODE §§4735.07, 4735.14, 4735.16, 4735.17, 4735.18, 4735.20, and 4735.21 (amended).]

RECORDING INSTRUMENTS—certain instruments must contain the name of person who prepared them.

An instrument conveying interest in real or personal property prepared after October 5, 1955, will not be received for record or filing by the county recorder unless such instrument contains the name of the person or agency which prepared it. This provision does not apply to

court orders, wills, or instruments executed outside the state. [Amended Substitute House Bill No. 227, effective October 4, 1955, OHIO REV. CODE §317.111 (enacted).]

REGISTERED MAIL—defined.

The act provides that as used in the Revised Code, unless the context requires otherwise, the term "registered mail" shall include "certified mail." [Amended House Bill No. 934, effective June 27, 1955, OHIO REV. CODE §1.02 (amended).]

REHABILITATION CENTER—established.

The act repeals the law providing the present state rehabilitation center under the control of the Ohio State University and creates an Ohio rehabilitation center under the direction and supervision of a board of control consisting of the director of health, the public member of the industrial commission and the president of Ohio State University. The objectives of the center shall be to rehabilitate handicapped or disabled persons whose rehabilitation requires extended residential care or intensive study and services, to assist other centers of rehabilitation, and conduct research. The industrial commission may make advance payments to the center of fifty thousand dollars every three months for rehabilitation of employees disabled in the course of their employment. [Amended House Bill No. 429, effective October 5, 1955, OHIO REV. CODE §§3376.01 to 3376.10, inclusive (enacted) and §4123.18 (repealed).]

ROADSIDE PARKS—director may acquire land abutting highways for roadside parks.

The statute allowing the director of highways to acquire small tracts of land, outside municipal corporations, which lie along the state highway system between the existing right of way and a new right of way by gift, purchase, or appropriation for the purpose of establishing roadside parks was amended to allow the director to acquire by gift or purchase other land, outside municipal corporations, abutting upon a state highway, for roadside parks, but such land may not be acquired by appropriation. [Amended House Bill No. 51, effective August 1, 1955, OHIO REV. CODE §5529.02 (amended).]

SALES TAX—certificate of exemption, assessment.

If a vendor fails to obtain a certificate from the consumer that the tax does not apply to a sale, the tax is presumed to apply but such failure does not, as under the prior law, prevent the vendor or consumer from establishing that the sale is not subject to the tax. There are also minor changes relative to the procedure for assessing the vendor or

consumer where the tax remains unpaid. [Amended House Bill No. 256, effective September 13, 1955, OHIO REV. CODE §§5739.03 and 5739.13 (amended).]

SALES TAX—exemptions.

By classifying hospitals, non-profit blood banks, and veterinarians as consumers of property purchased in connection with their practice, the act exempts them from collecting a sales tax on property transferred for the use of their patients in connection with the rendition of professional services. [Amended Substitute Senate Bill No. 197, effective September 30, 1955, OHIO REV. CODE §§5739.01 and 5741.01 (amended).]

SALES TAX—vendors need not keep cancelled prepaid receipts.

The act eliminates the provision requiring a vendor to keep cancelled prepaid tax receipts from the law requiring vendors to keep certain records over a period of four years to be open to the inspection of the tax commissioner during business hours. [House Bill No. 239, effective August 16, 1955, OHIO REV. CODE §5739.11 (amended).]

SALES AND USE TAX—payment directly to treasurer of state in certain cases.

Upon application by a manufacturer or consumer who makes purchases to which the applicability of the sale or use tax cannot be determined at the time of purchase, the tax commissioner may issue to such purchaser a direct payment permit. Permit holders shall pay the sales and use taxes on all purchases directly to the treasurer of state. Permit holders shall keep records and file quarterly with the treasurer of state a return showing the value of all taxable merchandise used and other information. The vendor shall be notified of such direct payment and shall be absolved from all duties and liabilities imposed by sections 5739.03 and 5741.04 of the Revised Code in connection with sales made to a permit holder. [Amended Senate Bill No. 77, effective July 7, 1955, OHIO REV. CODE §5739.031 (enacted).]

SAVINGS SOCIETIES—may not carry checking accounts.

The act limits the deposits a savings society may receive to deposits from individuals and nonprofit corporations and organizations. No deposit may be withdrawn from a savings society by check or draft and no such society shall carry a checking account for a depositor. A society may invest its funds in the same manner as banks and in addition it may acquire the capital stock of a bank provided such investment is made prior to December 31, 1956. [Amended House Bill No. 813, effective, Section 1109.05 July 1, 1956, remainder September 20, 1955, OHIO

REV. CODE §§1109.02, 1109.04 and 1109.05 (amended) and §1109.051 (enacted).]

SCHOOL DISTRICTS—additional tax levies.

If a school board wishes to tax beyond the ten-mill limitation it must declare the necessity to do so prior to the fifteenth day of September of the year the issue is to be voted upon. If the additional rate is for current operating revenues it may be for as many as ten years.

Previously the resolution had to be adopted prior to four p.m. of the ninetieth day before the general election and the period for the increased rate was limited to five years. [Amended House Bill No. 874, effective October 6, 1955, OHIO REV. CODE §5705.19 and 5705.21 (amended).]

SCHOOL DISTRICTS—annexation.

When the territory annexed to a city or village comprises only a part of a school district the annexed territory shall become a part of the city school district or the school district of which the village is a part only upon approval of the state board of education. The state board shall supervise on equitable division of the funds and indebtedness between the school districts involved. [Amended Senate Bill No. 322, effective September 29, 1955, OHIO REV. CODE §3311.06 (amended).]

SCHOOL DISTRICTS—city districts may join citizens' committees.

City school districts may join a county citizens' committee which is created by resolution of the county board of education or petitioned by electors to study the need and recommend proposals for the reorganization of school districts. The state board of education may furnish technical and advisory service to the committee. Previously city school districts were excepted from the jurisdiction of the county citizens' committee. [Amended House Bill No. 498, effective October 5, 1955, OHIO REV. CODE §3311.30 (amended).]

SCHOOL DISTRICTS—contract system for non-teaching employees.

The act provides a contract system for non-teaching school employees not governed by civil service. Employees with at least one year service in the school district, if their employment is continued, shall be employed for a period of from one to five years. If employment is continued after the one to five year period the contract shall be from two to five years. Contracts may be terminated by a majority vote of the board of education for violation of its regulations or by the employee. [Amended Senate Bill No. 200, effective September 1, 1955, OHIO REV. CODE §3319.081 (enacted).]

SCHOOL DISTRICTS—increase of indebtedness for improvements.

This act grants authority, until December 31, 1957, to a school district, by a vote of the people and consent of the state department of taxation, to increase its net indebtedness to nine per cent of the value of the property on the tax duplicate. The state department of education must determine that the proceeds are needed for acquiring sites and equipment and constructing improvements before a bond issue increasing the net indebtedness beyond six per cent may be submitted to the people.

The former law allowed the indebtedness to be increased to eight per cent before December 31, 1955. [Amended House Bill No. 132, effective June 27, 1955, OHIO REV. CODE §133.041 (amended).]

SCHOOL DISTRICTS—may contribute to support of choral groups and lecture associations.

See CHORAL GROUPS, this index.

SCHOOL DISTRICTS—tax levies to qualify for state aid.

If, as a result of a reassessment or other action of the county budget commission or county auditor, the tax duplicate is increased to the point where the tax levy of a school district falls below the ten-mill requirement for state aid, the superintendent of public instruction shall waive the requirement for one year. [Amended House Bill No. 662, effective October 6, 1955, OHIO REV. CODE §3317.041 (enacted) and §5713.11 (amended).]

SCHOOL FOUNDATION—distribution of funds.

This act makes a complete revision of the law relative to the school foundation program and the program is placed under the administration of the state board of education. The subsidies to school districts are now based on the number of teacher units in the district rather than the number of students as under the prior law. The number of teacher units in a district shall be determined by the formula set forth in the act. The formula for determining the amount to be allocated to each district is set forth in great detail, but in no event shall a district receive less than nineteen hundred twenty-five dollars multiplied by the number of approved teacher units in such district.

A new minimum salary is established for teachers ranging from two thousand six hundred dollars for a teacher with less than three years college training to three thousand four hundred dollars for a teacher with a master's degree.

Numerous other procedural changes were made in the law. [Amended Substitute Senate Bill No. 321, OHIO REV. CODE §§3317.01 and 3317.021 effective January 1, 1956, remainder effective October 1,

1956, §§3317.01 to 3317.03, inclusive, 3317.05 to 3317.08, inclusive, 3317.10, 3317.11, 3317.13, 3317.14, 3327.05 and 3327.06 (amended) §§3317.041, 3317.051, and 3317.052 (enacted) and §§3317.04 and 3317.12 (repealed).]

SCHOOLS—required teaching of basic subjects.

Public schools shall prescribe a graded course of study subject to the approval of the state board of education consisting of subjects set forth in the act. A year's course in American history is required before a student may enter the ninth grade and one unit of American history is included in high school graduation requirements. Basic instructions in geography and specified history, government, and constitutional courses are made prerequisite to studies in social problems, economics, foreign affairs, United Nations, world government, socialism and communism. The only prerequisite in the former law as the requirement of one unit of American history and government before graduation from high school. [Amended Substitute House Bill No. 76, effective August 5, 1955, OHIO REV. CODE §3313.60 (amended).]

SECRETARY OF STATE—certification of official ballots.

See **BALLOTS**, this index.

SECURITIES LAW—certain transaction exempt.

This act provides that banks may sell money orders or travelers' checks, issued by banks or trust companies, through an agent without such agent being deemed a branch of the bank. The sale of money orders, travelers' checks, and certain other transactions are exempt from the securities law.

No person shall sell instruments for the transmission of money or credit unless it is designated as a money order or travelers' check and unless he has deposited surety of two hundred thousand dollars with the treasurer of state. Persons transacting such business must file certain information with the secretary of state and pay an annual filing fee of one hundred dollars plus three dollars for each agent.

Banks and building and loan associations incorporated in this state, federal savings and loan associations and telegraph companies are exempt.

A penalty of one hundred dollars for each day of violation is imposed. [Amended Substitute House Bill No. 348, effective October 13, 1955; OHIO REV. CODE §1115.26, 1310.01, and 1310.99 (enacted) and §1707.03, 1707.14, and 1707.44 (amended).]

SELF-SERVING DECLARATIONS—admitted in evidence.

The act provides, if evidence of declarations against interest made by an insane, incompetent, or deceased person has been admitted in evi-

dence, the oral or written declarations made by such person concerning the same subject to which the admitted evidence relates and made at a time when the declarant was competent to testify shall be admitted regardless of their self-serving nature if no apparent motive to misrepresent appears.

Depositions, taken in a personal injury action by a deceased person before his death, may be read by the other party to the action or by the administrator or executor of the estate. [Amended Senate Bill No. 44, effective October 4, 1955, OHIO REV. CODE §§2317.03 and 2319.22 (amended).]

SERVICE OF PROCESS—on deceased and minor nonresident motorist.

See PROCESS, this index.

SERVICE OF PROCESS ON UNAUTHORIZED INSURERS—may be made upon superintendant of insurance or any person doing certain acts in this state in behalf of such insurer.

See PROCESS, this index.

SESSION LAWS—codification, indexing, and publication.

The legislative service commission shall prepare section headings and indexes for laws and joint resolutions within fifteen days after final adjournment of the general assembly. The director of the commission shall ascertain that all laws of a general and permanent nature have sectional numbers in conformity with the Revised Code. The bound volumes of the session laws shall be ready for distribution within one hundred and eighty days after the general assembly adjourns sine die. [Amended Senate Bill No. 411, effective June 30, 1955, OHIO REV. CODE §§103.13, 103.14, and 125.71 (amended) and §§103.131 and 111.09 (enacted).]

SOCIAL SECURITY—for employees of national guard.

The adjutant general is authorized to enter a contract with the federal department of health, education and welfare in order to secure social security benefits for employees of the Ohio national guard who are paid by federal funds. [House Bill No. 921, effective October 6, 1955, OHIO REV. CODE §5903.011 (enacted).]

SOIL CONSERVATION COMMITTEE—membership increased.

The membership of the Ohio soil conservation committee was increased from five to seven and the director of the Ohio department of natural resources was included as a member. The committee was given

additional powers to accept and administer funds from the federal and state governments and other sources, and to employ personnel in the classified civil service. [Amended House Bill No. 185, effective August 5, 1955, OHIO REV. CODE §1515.02 (amended).]

SOLDIERS AND SAILORS—qualifications for admission to home.

See OHIO SOLDIERS' AND SAILORS' HOME, this index.

SPEED LIMITS—on state highways.

The *prima facie* lawful speed for motor vehicles is now thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, fifty miles per hour on controlled-access highways within municipal corporations, and fifty miles per hour on state routes in municipal corporations outside urban districts unless a lower speed limit is established by the director of highways. Sixty miles per hour during the daytime and fifty miles per hour during the nighttime except fifty miles per hour at all times for trucks and commercial tractors in excess of four thousand pounds, school buses, and street cars. [Amended Senate Bill No. 175, effective October 1, 1956, OHIO REV. CODE §4511.01 and 4511.21 (amended).]

STATE EMPLOYEES—classification and salary.

This act provides for the reclassification of one hundred ninety three state civil service employees. Sixty-nine new civil service job titles are created and forty-four are abolished. [Amended Substitute House Bill No. 651, effective October 1, 1955, OHIO REV. CODE §§143.09, 143.10, and 143.11 (amended).]

STATE LANDS—not used or needed may be sold.

This act authorizes the chief of the division of parks to sell state lands not needed or used for public purposes including those in or adjacent to Buckeye Lake, Indian Lake, Lake St. Marys, Lake Loramie, Guilford Lake, and Portage Lakes. Such lands may be sold to present leaseholders at one hundred ten per cent of their appraised value or at public auction for not less than their appraised value. [Amended Substitute Senate Bill No. 239, effective September 29, 1955, OHIO REV. CODE §1541.081 (enacted).]

STEAM BOILERS—fee for certificate of inspection increased.

The fee for a certificate of inspection required to be placed in a room where a steam boiler is located is increased from one to two dollars. The act makes two minor changes relative to the content of the certificates. [Amended House Bill No. 861, effective October 6, 1955, OHIO REV. CODE §4103.12 (amended).]

STEAM ENGINEERS—license renewal fee increased.

Steam engineers shall pay a fee of five dollars for an original license and three dollars for each renewal thereof. The former renewal fee was two dollars. [House Bill No. 860, effective October 6, 1955, OHIO REV. CODE §4739.14 (amended).]

STRIP MINING—bond increased.

This act provides that vacancies in the office of the chief of the division of reclamation shall be filled by appointment for the unexpired term. The amount of surety, in the form of bond, cash, or securities, to be posted by persons engaged in strip mining is increased from one hundred ninety to two hundred twenty dollars per acre. A license for strip mining shall be refused to persons who continually fail to comply with the strip mining laws. Reclaiming requirements are changed.

Moneys from forfeitures remaining after reclamation is complete shall be transferred to a reserve fund. Also a definition section is enacted. [Amended Substitute House Bill No. 575, effective October 13, 1955, OHIO REV. CODE §§1513.02, 1513.03, 1513.05, 1513.07, 1513.08, 1513.09, 1513.10, 1513.16, 1513.18, and 1513.99 (amended) and §1513.19 (enacted).]

STUDENT FEES—credited to special funds.

The act makes more specific the provision that student fees and deposits of state supported universities paid into the state treasury shall be used only for the purposes of the respective institutions. [Senate Bill No. 299, effective October 4, 1955, OHIO REV. CODE §3345.05 (amended).]

SUBDIVISION PLATS—regulation and recordation.

An appeal may be had to the court of common pleas from a decision of a planning commission or legislative authority refusing to approve a subdivision plat. If the court finds that the plaintiff is supported by a preponderance of the evidence an order shall be entered directing the county recorder to record the plat. If the land falls within the jurisdiction of the board of county commissioners, only the board may make specifications and regulations governing the construction of improvements in the subdivision. The county engineer and the county sanitary engineer, who could previously prepare such specification and regulations, may act only in an advisory capacity.

Violations of the rules or regulations of the legislative authority must now be willful before a penalty is imposed. [Amended Substitute House Bill No. 607, effective October 6, 1955, OHIO REV. CODE §§711.04, 711.09, 711.091, 711.10, 711.101, 711.102, 711.13, 711.15 and 5307.06 (amended) and §§711.041 and 711.151 (enacted).]

SUPPORT OF DEPENDENTS—by those legally responsible.

Numerous changes and additions are made to the uniform support law in an effort to make it more effective. The court may appoint counsel for indigent plaintiffs and an action may be brought by the legal custodian of a minor obligee without appointment as guardian ad litem. Information to aid in locating the defendant may be attached to the petition. An information agency is established to forward the petition from another state to the correct court and to send a list of the courts of record of this state to the information agency of states with similar laws. A court may attach the body of a defendant in this state and request a court in a responding state to do likewise if permissible under the laws of that state. [Amended House Bill No. 71, effective October 5, 1955, OHIO REV. CODE §§3115.01, 3115.02, 3115.03, 3115.05, 3115.06, 3115.07, 3115.08, 3115.13, 3115.14 and 3115.15, (amended) and §§3115.16 to 3115.22, inclusive (enacted).]

SUPREME COURT—administrative assistant.

The supreme court may appoint an administrative assistant of the supreme court who shall examine the dockets of courts of record to determine the need for assistance by any such court, make recommendations to the chief justice relative to the assignment of judges where courts of record are in need of assistance, and attend to other matters as may be assigned by the supreme court. [Amended Substitute Senate Bill No. 51, effective July 25, 1955, OHIO REV. CODE §2503.05 (amended) and §§2503.281 and 2503.282 (enacted).]

SURGEONS—certificate to practice granted to servicemen.

See **PHYSICIANS and SURGEONS**, this index.

TAXATION—administration of oaths.

This act includes attorney examiners of the board of tax appeals among those who may administer oaths, issue subpoenas, and compel production of records in matters relating to taxation. [Senate Bill No. 336, effective October 4, 1955, OHIO REV. CODE §5703.18 (amended).]

TAXATION—advance property tax payments.

Persons filing tax returns shall, at the time of filing or within ten days of the last day for filing, pay the county treasurer one-half of the taxes as shown by the return to be due on personal property, both tangible and intangible. The former law required such payment to be made at the time of filing the return. [Amended Senate Bill No. 105, effective October 4, 1955, OHIO REV. CODE §5719.02 (amended).]

TAXATION—certain deposits exempt.

Deposits representing funds withheld as taxes levied on persons other than the depositor and funds belonging beneficially to non-residents of this state are not subject to taxation. [Senate Bill No. 374, effective September 29, 1955, OHIO REV. CODE §5709.041 (enacted).]

TAXATION—cigarette tax returns filed semi-annually.

See CIGARETTE TAX, this index.

TAXATION—corporate returns filed duplicate.

See CORPORATIONS, this index.

TAXATION—courts need not file certain statements with the tax commissioner.

See COURTS, this index.

TAXATION—deductions from evaluations for injured or destroyed property.

Property injured or destroyed by fire, flood, tornado, or otherwise between the first day of January and the first day of July of the current tax year shall be decreased on the tax duplicate by the county auditor in an amount which, in his judgment, fairly represents the extent of the injury or destruction. The prior law set the second Monday of April and the first day of October as the dates between which the injury or destruction must have occurred for deduction from valuations. [House Bill No. 251, effective August 30, 1955, OHIO REV. CODE §319.38 (amended).]

TAXATION—determination of trust net income for tax purposes.

In determining the net income of an estate, a trustee shall apportion his fees between the gross taxable and nontaxable sources. Income shall be considered to be distributed in cash if it is withheld by the trustee contrary to the terms of the trust instrument or will, or if it is distributed in notes, debentures, bonds, or other property. [Amended Senate Bill No. 86, effective October 4, 1955, OHIO REV. CODE §5711.19 (amended).]

TAXATION—excess of ten-mill limitation.

The act sets the fifteenth day of September of each year as the date prior to which the legislative authority of a political subdivision must declare by resolution and certify to the board of elections the necessity of taxing beyond the ten-mill limitation if it wishes to submit the question to the voters at the next November election. The prior provision

placed the dead line at four p.m. of the ninetieth day before the general election. [House Bill No. 528, effective September 20, 1955, OHIO REV. CODE §§5705.19 and 5705.25 (amended).]

TAXATION—extension of time for filing reports required by the tax commissioner.

The act permits the tax commissioner to extend to a person, partnership, firm, association, company, corporation, or public utility an extension of time, not to exceed ninety days, within which to file any reports required to be filed with the commissioner. The former law allowed such an extension to corporations and public utilities only. [Amended House Bill No. 193, effective July 7, 1955, OHIO REV. CODE §5703.35 (amended).]

TAXATION—filing of returns, stored liquor.

The statute providing that any person filing a federal income tax return may be required to file a personal property tax return and the provision for assessment of state and local taxes on spirituous liquor stored in bonded warehouses is repealed along with the penalties for their violations. [Amended Senate Bill No. 235, effective September 30, 1955, OHIO REV. CODE §§5711.12, 5711.32, and 5711.99 (repealed).]

TAXATION—gasoline tax refund.

See **GASOLINE TAX**, this index.

TAXATION—inheritance tax.

See **INHERITANCE TAX**, this index.

TAXATION—law establishing residence for the purpose of taxation repealed.

The act repeals section 5711.08 of the Revised Code because of its misleading effects. Section 5711.08 provided an almost incomprehensible formula for determining residence within the state for the purpose of personal property taxation. [Senate Bill No. 85, effective July 7, 1955, OHIO REV. CODE §5711.08 (repealed).]

TAXATION—law requiring county recorders to report transfers in contemplation of death repealed.

See **INHERITANCE TAX**, this index.

TAXATION—license tax on motor vehicle dealers.

See **MOTOR VEHICLE**, this index.

TAXATION—penalty against corporations for nonpayment waived while review is pending.

See CORPORATIONS, this index.

TAXATION—personal property.

See PERSONAL PROPERTY, this index.

TAXATION—public utility may apply for review and tender an amount to prevent penalty.

A public utility may apply for a review and redetermination of an order or determination of the tax commissioner and tender the tax on which the review is pending. If the treasurer refuses to accept such tender the utility is freed from a penalty for nonpayment of tax and if the tender is accepted it shall not prejudice any claim for taxes but shall preclude a penalty for nonpayment. This is a clarification of a similar provision in the prior law. [Amended House Bill No. 318, effective August 18, 1955, OHIO REV. CODE §5727.47 (amended).]

TAXATION—remission of illegal taxes and penalties.

The act authorizes the board of tax appeals and the tax commissioner to remit taxes and penalties found by them to have been illegally assessed and correct errors in the tax list or duplicate. The prior law authorized the board of tax appeal to make such remissions but did not confer the authority upon the tax commissioner. [Amended House Bill No. 867, effective October 6, 1955, OHIO REV. CODE §5715.39 (amended).]

TAXATION—transmission of preliminary certificates eliminated, appeal provided for.

The filing of a return with the county auditor shall be deemed to be the preliminary assessment of taxable property contained therein when entered on the proper duplicate by the county auditor. Thus such a return may be substituted in all cases where a preliminary assessment certificate was originally required and the tax commissioner may finally assess taxable property listed in the return without first having made a preliminary assessment.

The act also provides that an appeal from any assessment therein may be had to the board of tax appeals. The prior law provided only for appeals from deficiency assessments. [Amended Senate Bill No. 68, effective August 18, 1955, OHIO REV. CODE §§319.29, 319.34, 5711.24, 5711.25 and 5711.26 (amended).]

TAXATION—utility excise tax extended.

See UTILITY EXCISE TAX, this index.

TAX COMMISSIONER—may destroy returns and assessment certificates.

The act provides for destruction by the tax commissioner of all tax returns and assessment certificates five years after the tax represented thereby has been paid or litigation concerning same has been settled. Previously the tax commissioner could destroy only those returns filed prior to January 1, 1931. [Amended Senate Bill No. 109, effective October 4, 1955, OHIO REV. CODE §§5703.05 and 5711.36 (amended).]

TAX LEVY—additional to be submitted to electors.

During the period from June 27, 1955 to June 30, 1957 the taxing authority of a political subdivision may declare by resolution that it is necessary to levy a tax in excess of the ten mill limitation for certain specified purposes. The question shall then be submitted to the electors and if fifty-five per cent of those voting on the question approve it, the subdivision may make the levy outside the ten mill limitation. After the additional levy by the electors, but before the first collection, the subdivision may issue anticipatory notes, the sale of which shall be governed by the Uniform Bond Act.

The prior act limited such levy to the period ending June 30, 1955, [Amended House Bill No. 361, effective June 27, 1955, OHIO REV. CODE §5705.191 (amended).]

TEACHERS—retired employed as regular teachers.

A retired teacher, who has received a retirement allowance for at least eighteen months, may be employed as a regular teacher, provided he is physically and mentally competent. Monthly payments of retirement allowances shall be terminated during such employment. [Amended House Bill No. 499, effective August 30, 1955, OHIO REV. CODE §3307.381 (enacted).]

TEACHERS' RETIREMENT SYSTEM—investment of funds.

This act allows additional investment for the funds of the teachers' retirement system. Investments may now be made in bonds of other states or their subdivisions, bonds of Canada or its political subdivisions, preferred and common stock, and loans to veterans guaranteed by the government of the United States. [Amended Substitute Senate Bill No. 285, effective October 13, 1955, OHIO REV. CODE §3307.15 (amended).]

TEACHERS RETIREMENT SYSTEM—service credit for certain members.

A regularly employed teacher, who served his present employer during any of the years between September 1, 1920 and August 31, 1945 and was denied the right to contribute to the teacher's retirement system

during such years, shall be given credit for such years by the retirement board, provided he deposits in the teacher's savings fund a per cent of his annual salary for such service at the rate then in effect plus four per cent interest. [Amended Senate Bill No. 380, effective September 29, 1955, OHIO REV. CODE §3307.73 (enacted).]

TELEPHONES—emergency priority on party lines.

See PARTY LINES, this index.

TOBACCO—exempted from taxation.

This act exempts unmanufactured tobacco from taxation to the extent of the amounts of any unpaid nonrecourse loan thereon granted by the federal government or its agencies. [Amended Substitute Senate Bill No. 204, effective September 20, 1955, OHIO REV. CODE §5709.01 (amended).]

TOWNSHIP CLERK—compensation.

See COMPENSATION, this index.

TOWNSHIP TRUSTEES—compensation.

The new compensation for township trustees is six dollars a day for partition fence duties and six dollars a day for township duties. The maximum days for which a trustee may be compensated is increased from one hundred seventy-five to two hundred days. The former compensation rate was five dollars per day. [House Bill No. 922, effective October 6, 1955, OHIO REV. CODE §505.24 (amended).]

TOWNSHIP TRUSTEES—may renew contract for lighting.

The board of township trustees may renew a contract for street lighting unless the owners of fifty per cent of the land abutting on the public ways sign a petition for discontinuance thirty days prior to the expiration of the existing contract. [Amended Senate Bill No. 155, effective October 4, 1955, OHIO REV. CODE §515.081 (enacted).]

TOWNSHIP TRUSTEES—may require permits for excavations in township roads.

See PERMITS, this index.

TRADE MARKS—presumptive traffic in goods containing.

Before anyone other than the owner can launder rented sanitary supplies that have trade marks such as towels, aprons, coats etc. he must

obtain permission from the owner. Any one who has possession of such items without attempting to restore them to the owner is presumed guilty of traffic in them. [Senate Bill No. 133, effective October 11, 1955, OHIO REV. CODE §1329.501 (enacted).]

TRAFFIC FINES—distribution.

Traffic fines collected from persons arrested by state highway patrolmen for violation of traffic laws shall be distributed: forty-five per cent to the state treasury and fifty-five per cent to the treasury of the municipal corporation if prosecution is in a mayor's court; if the prosecution is outside a municipal corporation and outside the jurisdiction of a municipal court, fifty-five per cent to the county treasury. Moneys paid to the state treasury shall be credited to the state highway maintenance fund, that paid to a county or municipal treasury shall be credited one-half to the general fund and one-half to be expended as the moneys received from registration of motor vehicles. If the prosecution is in a municipal court, forty-five per cent to the state highway maintenance fund, ten per cent to the county general fund, and forty-five per cent to the municipal general fund.

Previously the moneys were divided one-half to the state and one-half to the county or municipal corporation according to place of prosecution. All the monies paid to a county or municipality were to be used in the manner of revenue from motor vehicle registration. [Amended House Bill No. 368, effective October 5, 1955, OHIO REV. CODE §§4513.35 and 5503.04 (amended).]

TRAILER PARKS—regulation.

The definition of trailer park is extended to include a subdivided tract of land with three or more house trailers parked on individual lots thereof. The act permits trailer park operators to operate without interruption during the period of the license and the fees charged shall be in lieu of all license and inspection fees; thus forbidding local subdivisions from limiting the period of operation and imposing special taxes on trailer park operations. [Amended House Bill No. 292, effective October 5, 1955, OHIO REV. CODE §§3733.01 and 3733.99 (amended) and §§3733.06 and 3733.07 (enacted).]

TRUSTEES—for unborn persons.

The act provides for the appointment of a trustee for an unborn person to appear and represent such person in any action relating to a future interest in any property to which such person, upon coming into being, may claim to be entitled. A judgment shall be binding upon the unborn person. The duties and compensation of the trustee shall be the same as that provided for the trustee of an insane person. [Amended

Senate Bill No. 30, effective October 4, 1955, OHIO REV. CODE §§2307.131 (enacted) and §§2307.14, 2309.20 and 2703.24 (amended).]

TUBERCULOSIS—persons with communicable tuberculosis may be committed to state facility upon court order.

Any person suffering from tuberculosis in a communicable stage may be committed to a state tuberculosis facility upon application by the board of health of a city or county general health district to the probate court of the county in which such person resides or may be found and a finding by the court that the person has such disease. A laboratory report that sputum or other body secretion or excretion contains tubercle bacilli or a chest x-ray finding interpreted by competent medical authority as active tuberculosis shall be conclusive evidence of communicable tuberculosis. Such person may be released after ninety days upon application and hearing if the court finds he is no longer a menace to public health, or at any time after commitment if the director of health files with the court a certificate stating that such person is no longer a menace to public health by reason of his tuberculosis condition, the court shall enter an order of release. [Amended House Bill No. 127, effective August 5, 1955, OHIO REV. CODE §§339.50, 339.51, 339.52, 339.53, 339.54, 339.55, 339.56, 339.57, 339.58, 339.59, 339.60, 339.61, 339.62, 339.63, and 339.64 (enacted).]

TUBERCULOSIS HOSPITAL—Southeast Ohio tuberculosis hospital.

See DEPARTMENT OF HEALTH, this index.

TUBERCULOSIS HOSPITAL, OHIO—may provide out-patient service.

The Ohio tuberculosis hospital is authorized to establish an out-patient department to provide diagnostic services to residents suspected of having tuberculosis which can be provided by an out-patient department if such services are not available in the area where the person lives. Cost for such service shall be borne by the governmental or private agency requesting the service if the patient or those legally responsible are unable to pay. [Amended Senate Bill No. 162, effective October 4, 1955, OHIO REV. CODE §§3701.63 and 3701.64 (amended).]

TURNPIKES—control of speed and weight limits, policing.

The turnpike commission may make rules and regulations with respect to speed and weight limits on turnpike projects. The director of the department of highways may enter into contracts with the turnpike commission with respect to policing of turnpike projects under which the commission shall pay the cost of such policing including the salaries of

the employees of the patrol assigned to the turnpikes. The state highway patrol shall have the same authority to enforce state laws on the turnpikes as it has on other state highways of the state. [Amended House Bill No. 703, effective June 20, 1955, OHIO REV. CODE §5537.16 (amended) and §§5503.31, 5503.32 and 5503.33 (enacted).]

UNDERGROUND PARKING COMMISSION—created.

This act creates an underground parking commission consisting of four members to construct and operate parking facilities under the state-house grounds. The commission may adopt bylaws, adopt a seal, issue revenue bonds of the state payable from revenues from the parking facilities, fix parking fees, purchase land and easements in the name of the state, and do all things necessary in constructing, operating, and maintaining the parking facilities. After all bonds are retired, the parking lot shall be operated by the division of public works and the net revenue shall be paid into the state treasury.

Persons violating the rules of the commission are subject to a fine of from fifty to five hundred dollars. Members and employees of the commission shall be fined not more than one thousand dollars or imprisoned not more than one year, or both for having an interest in contracts with the commission. [Amended Substitute Senate Bill No. 17, effective October 13, 1955, OHIO REV. CODE §§5538.01 to 5538.21, inclusive, and §5538.99 (enacted).]

UNEMPLOYMENT COMPENSATION—benefits increased.

This act revises the procedure for hearings to determine benefit rights under the unemployment compensation law. It also increases the maximum benefits from thirty to thirty-three dollars per week. Recipients shall receive three dollars for each dependent child but not more than six dollars for all of them. Formerly the maximum dependent benefit was five dollars. This benefit for dependent children is charged to the account of the employer in addition to the maximum he may be charged for the recipients benefits. [Amended Senate Bill No. 394, effective October 10, 1955, OHIO REV. CODE §4141.01, 4141.24, 4141.28, 4141.29 and 4141.30 (amended).]

UNINCORPORATED ASSOCIATIONS—may sue and be sued.

An unincorporated association may sue and be sued as an entity under the name by which it is commonly known. All assets of such association are subject to execution of judgment and a money judgment shall not be enforced against the members of the association. Service may be had on any officer or person designated to receive service. [Amended Senate Bill No. 328, effective September 30, 1955, OHIO REV. CODE §§1745.01 to 1745.04, inclusive (enacted).]

UNITED STATES GUARANTEED LOANS—may be purchased by banks.

See BANKS, this index.

UNIVERSITIES—may provide living quarters for families of married students.

This act provides that state universities may construct and operate dormitories and other suitable living quarters for students, the wives and families of married students, members of the faculty, and servants of the universities and pay for them from funds derived from the operations of such facilities under their control. The prior law provided only for the construction and operation of dormitories and made no provision for housing the families of married students. [Amended House Bill No. 519, effective September 20, 1955, OHIO REV. CODE §3345.07 (amended).]

UNIVERSITIES—student fees.

See STUDENT FEES, this index.

UNIVERSITIES—temporary housing for students.

This act sets the deadline for the use of temporary dwelling accommodations made available by the federal government for housing students and employees of state universities at June 30, 1961. [House Bill No. 520, effective September 20, 1955, OHIO REV. CODE §3345.08 (amended).]

UTILITY EXCISE TAX—extended.

The sixty-five one-hundredths of one per cent excise tax on public utilities is extended to include the years 1954 and 1955. [Amended House Bill No. 200, effective April 30, 1955, OHIO REV. CODE §§5727.81 and 5727.82 (amended).]

VENDORS—need not retain canceled prepaid tax receipts.

See SALES TAX, this index.

VENUE—in homicide cases.

This act provides that when neither the county in which a mortal wound is inflicted or poison administered nor the county in which death occurs therefrom is known, the defendant may be tried in the county where the body of the deceased is found. However, the defendant shall be returned to the county in which the injury is alleged to have been inflicted if he is indicted there before trial in another county. [Amended House Bill No. 438, effective October 5, 1955, OHIO REV. CODE §2931.19 (amended).]

VETERANS' HOUSING—temporary provision extended.

The law allowing the board of county commissioners to acquire land and erect structures thereon to provide temporary emergency housing for veterans was extended to December 31, 1957. It was to expire December 31, 1955. [Amended Senate Bill No. 342, effective August 30, 1955, OHIO REV. CODE §3735.60 (amended).]

VETERANS' HOUSING PROPERTY—may be sold to tenants.

If the board of county commissioners decides to sell property acquired for veterans' housing purposes, it must first be offered to the actual tenant if it is sold for residential occupancy. It shall be sold to such tenant at its appraised value. If the tenant does not purchase, the property may be sold at a public sale. [Amended House Bill No. 12, effective September 13, 1955, OHIO REV. CODE §§3735.611 to 3735.615, inclusive (enacted).]

VILLAGES—incorporation proceedings.

This act provides that the petition for incorporating a village must be signed by ten per cent of the freeholders within the proposed corporate limits which shall not be less than thirty. The population density in the proposed corporation must be in excess of one hundred persons per square mile, and the valuation of the property therein must be in excess of one thousand per capita. The procedure for a notice and hearing is also changed.

In the former law the petition was to be signed by thirty electors of the territory and there was no population or property requirement. [Amended Substitute House Bill No. 89, effective October 5, 1955, OHIO REV. CODE §§707.03, 707.07, 707.15, and 707.16 (amended).]

VILLAGES—qualifications of legislative authority.

Members of the legislative authority of a village may now hold public employment except with such village. The prior law prevented them from holding any public employment. [Amended Senate Bill No. 320, effective September 30, 1955, OHIO REV. CODE §731.12 (amended).]

VERDICTS—kinds of.

Unless otherwise directed by the court, a jury must now render a general verdict. They could previously render either a special or general verdict in their own volition.

Other provisions relating to special verdicts and special interrogatories are rephrased to clarify the confusion concerning them. In a special verdict the jury shall find separately upon each determinative issue, submitted by the court in writing at the request of either party so that nothing

remains for the court but to render judgment in accordance with the findings.

Special interrogatories may be submitted with a special verdict as well as a general one and they shall be upon material allegations contained in the pleadings, rather than upon particular questions of fact as previously provided. [Amended Senate Bill No. 79, effective October 4, 1955, OHIO REV. CODE §§2315.12 and 2315.14 to 2315.17, inclusive (amended). See comment on this act. Part I at page 454 *supra*.]

WAR ORPHANS—free tuition to state supported colleges and universities.

Children, of deceased or disabled veterans who entered the armed services of the United States as legal residents of Ohio and served at least ninety days, or were discharged due to disability, or who died in service, and such service, discharge, or death occurred between April 6, 1917 to November 11, 1918, December 7, 1941 to September 2, 1945, or June 25, 1950 to July 19, 1953, may receive tuition-free scholarships to state supported colleges or universities. The war orphans' board created by the act shall determine scholarship eligibility and the number to be granted by each such college or university by standards and formulas set forth in the act. [Amended Senate Bill No. 21, effective September 5, 1955, OHIO REV. CODE §§5910.01 to 5910.06, inclusive (enacted).]

WATER AND SEWER LINES—

The board of county commissioners is authorized to grant permission to individuals, organizations, or agencies of private enterprise to construct water and sewer lines in unincorporated areas of the county. If a non-participant taps into the water or sewer line, the board shall collect from him and turn over to the person making the improvement a share of its cost prorated on the front footage of the non-participant. [Amended House Bill No. 186, OHIO REV. CODE §307.73 (enacted).]

WATERWAYS SAFETY COMMISSION—established.

This act creates a waterways safety commission in the division of shore erosion, consisting of the director of natural resources and four other members appointed by the governor with the consent of the senate. The commission will advise with and recommend to the chief of the division of shore erosion plans and programs for construction, maintenance, repair, and operation of refuge harbors and other facilities for light draft vessels in or adjacent to the navigable waters of Ohio. The chief is authorized to make expenditures for such projects and to co-operate with federal agencies for such purposes. A waterways safety fund is created from the five cent gasoline tax on motor fuel used in boats, previously refundable to the purchasers, and from rentals, fees, and

charges derived from harbors and facilities operations. Marine fuel dealers are to be licensed and regulated. [Amended Substitute House Bill No. 77 effective September 30, 1955, OHIO REV. CODE §§1507.01, 1507.04 and 1507.06 (amended) and §§1507.061, 1507.062, 1507.063, 1507.064, 5736.01, 5736.02, 5736.03 and 5736.99 (enacted).]

WITNESSES—immunity.

This act gives witnesses testifying on behalf of the state, during the course of grand jury investigation, immunity from prosecution. This immunity is in addition to others set forth in the act. [Amended Senate Bill No. 205, effective September 29, 1955, OHIO REV. CODE §2945.44 (amended).]

WORKHOUSE—commitment of prisoners.

This act allows a court to commit a prisoner to a workhouse outside the county in which he is convicted. [Amended Senate Bill No. 340, effective September 20, 1955, OHIO REV. CODE §735.04 (amended).]

WORKMENS' COMPENSATION—bureau created, benefits increased, and review by court.

This act creates a bureau of workmen's compensation to be headed by an administrator who shall be responsible for all the administrative duties and exercise all authorities vested in the industrial commission but shall not divest the commission of its authority. He shall decentralize the bureau so that claims may be handled nearer the place of injury.

An advisory council is also created which shall conduct research and recommend changes in the rules and regulations of the bureau and commission.

Five regional boards of review are created to handle appeals from claimants and employers dissatisfied with the decision of the administrator of the bureau of workmens' compensation. An appeal may be taken from the board of review to the industrial commission.

Maximum weekly benefits to injured workmen are increased from thirty-two dollars and twenty cents to forty dollars and twenty-five cents. Death benefits maximum increased from nine thousand to twelve thousand dollars. [Amended Substitute House Bill No. 700, effective October 5, 1955, OHIO REV. CODE §§4121.121, 4121.122, 4121.123, 4121.124, 4121.131, 4123.141, 4123.151, 4123.152, 4123.511, 4123.512, 4123.513, 4123.514, 4123.515, 4423.516, 4123.517, 4123.518, 4123.519, 4123.521, 4123.522, and 4123.651 (enacted) and §§4123.07, 4123.56, 4123.57, 4123.58, 4123.59 and 4123.66 (amended).]

